

No. 11092

United States
Circuit Court of Appeals
For the Ninth Circuit.

MAUDE ANDERSON,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

Transcript of Record

Upon Appeal from the District Court for the Territory of
Alaska, Division No. 1

FILED

DEC 17 1945

PAUL P. O'BRIEN,
CLERK

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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ATTORNEYS OF RECORD:

R. L. TOLLEFSEN,

Acting United States Attorney

Juneau, Alaska.

Attorney for Plaintiff-Appellee.

R. E. ROBERTSON

M. E. MONAGLE

H. D. STABLER

Juneau, Alaska

Attorneys for Defendant-Appellant

United States of America

Territory of Alaska

Division Number One at Ketchikan—ss.

No. 1416-KB

INDICTMENT

In the District Court of the Territory of Alaska
in Division Number One, Ketchikan, at the
Special October Term Thereof, A. D. 1944.

Knowingly Causing and Aiding Transportation
of a Woman in Interstate Commerce for Purpose of
Prostitution.

Violation of Section 398, U.S.C.A. Title 18; 36
Stat. 825.

The Grand Jurors of the United States and the
Territory of Alaska, impaneled, sworn, and charged
at the term aforesaid, of the Court aforesaid, on
their oath present that Maude Anderson on or
about the 25th of November, 1941, at Sitka, in
Division Number One, Territory of Alaska, and
within the jurisdiction of said Court, did, wilfully,
unlawfully, feloniously and knowingly transport
and cause to be transported and aid and assist in
obtaining transportation for and in transporting,
in interstate commerce, a woman for the purpose
of prostitution and for immoral purposes, to-wit:
Gloria Virginia Knapp Bowman, alias Jean LaRue,
from Seattle, in the State of Washington, to Sitka,
in the Territory of Alaska, contrary to the form
of the statute in such cases made and provided and
against the peace and dignity of the United States
and the Territory of Alaska.

Dated at Ketchikan, Alaska, this 24th day of October, 1944.

LYNN J. GEMMILL

United States Attorney, Division Number One,
Territory of Alaska.

Witnesses Before the Grand Jury:

MARGUERITE LEOTA MILLER

HAROLD ANDERSON

OLIVER MANSFIELD [1*]

United States District Court

Territory of Alaska

First Division

THE UNITED STATES OF AMERICA

vs.

MAUDE ANDERSON

INDICTMENT

A True bill. —J. A. Talbot, Foreman.

Filed in open Court this 24th day of October,
A. D. 1944.

Presented by J. A. Talbot, Foreman of the Grand Jury, in the presence of the Grand Jury, in open Court and filed in open Court with the Clerk of the District Court, all on this 24th of October, 1944.

ROBERT E. COUGHLIN

Clerk of District Court, Territory of Alaska, Division #1.

By RUTH SIMONSEN,

Deputy. [2]

*Page numbering appearing at foot of page of original certified Transcript of Record.

In the District Court for the Territory of Alaska,
Division Number One, at Juneau

No. 1416-KB

UNITED STATES OF AMERICA,

Plaintiff

vs.

MAUDE ANDERSON,

Defendant

MINUTE ORDER MADE ON MARCH 26, 1945

Journal #16 Page 434

At this time the defendant was present in court in person and by her attorney, M. E. Monagle, for arraignment. At this time the defendant was asked her true name to which she responded Maude Anderson. The defendant at this time waived the reading of the Indictment and she was furnished a copy of same. Thereafter the defendant waived time for entry of plea and personally entered a plea of Not Guilty. [3]

[Title of District Court and Cause.]

VERDICT

We, the Jury, duly impanelled and sworn to try the above entitled cause, find that the defendant Maude Anderson is guilty as charged in the indictment.

Dated at Juneau, Alaska, this 7th day of April, 1945.

JOHN LIVIE

Foreman.

Entered Court Journal No. 16 Pages 461-462. [4]

[Endorsed]: Filed April 9th, 1945.

[Title of District Court and Cause.]

DEFENDANT'S MOTION FOR ACQUITTAL

Comes now the defendant and moves that judgment for her acquittal be made and entered herein and renews her certain motion, which she respectfully submits was in substance a motion for acquittal, which she made in open court at the conclusion of the evidence at the trial of the above cause and in which motion she moved that the court direct the jury to return a verdict herein that she was not guilty.

This motion is based upon the records and files herein and within five days after the jury in the above case was discharged and returned its certain verdict herein finding her guilty, which verdict was

filed herein on April 9, 1945, and which verdict is contrary to both the law and the evidence.

Respectfully submitted,

M. E. MONAGLE

R. E. ROBERTSON

Attorneys for Defendant.

Copy received April 10, 1945.

R. L. JERNBERG

Assistant United States At-
torney.

[Endorsed]: Filed April 10, 1945. [5]

[Title of District Court and Cause.]

MOTION FOR JUDGMENT NOT WITH-
STANDING THE VERDICT

Comes now the defendant and respectfully moves that, notwithstanding the verdict of the jury heretofore filed herein on April 9, 1945, Judgment be entered herein discharging the defendant, upon the ground that said verdict was contrary to both the law and the evidence adduced at said trial.

Respectfully submitted,

M. E. MONAGLE

R. E. ROBERTSON

Attorneys for Defendant.

Copy received April 10, 1945.

R. L. JERNBERG

Assistant United States At-
torney.

[Endorsed]: Filed April 10, 1945. [6]

[Title of District Court and Cause.]

MOTION FOR A NEW TRIAL

Comes now defendant and respectfully moves that she be granted a new trial upon the following grounds, to-wit:

1. Irregularities occurring at said trial and the exercise of abusive discretion by the trial Judge, by which this defendant was prevented from having a fair trial, in that: the Court at the trial refused to grant the defendant time for the arrival of Lou Dixon and Irene Holmquist, who were material witnesses to her defense and who would have impeached the witness Marjorie Miller and shown that the latter had told said Dixon and Holmquist that she, Miller, was aggrieved at defendant and intended to get even with her even though it took all the rest of her, Miller's, life, notwithstanding that subpoenas had been issued for said Dixon and Holmquist and defendant in good faith had arranged to bring them to Juneau to testify at the trial in her defense by airplane, which was the only available means of transportation but which airplane could not go from Juneau to the places where said Dixon and Holmquist were and return them to Juneau because a strong storm, known locally as a Taku wind, prevailed in Juneau and also in that area of Southeastern Alaska through which said airplane had to travel in order to pick up said witnesses and bring them to Juneau, which said storm prevailed throughout April 5th and 6th, 1945, on which days defendant's trial in this cause

was being held in Juneau, and which storm prevented airplanes flying on said days, and that defendant had no means of anticipating that such storm would arise and that she would be unable to obtain the attendance of said Dixon and Holmquist; all of which more fully and clearly appears in the stenographic notes of the official court stenographer, taken at said trial, which by reference thereto are hereby made a part hereof.

2. For numerous errors committed by the trial Judge in said trial, to which exception was taken by the defendant at said trial, and all of which appear in the stenographic notes of said official court stenographer, which [7] notes by reference are hereby made a part hereof, and particularly in admitting evidence, over defendant's objections, adduced by the witnesses Miller, Bowman, Kavan-der and Mansfield, and in admitting in evidence, over defendant's objections, plaintiff's Exhibits Nos. 1 and 2, and in refusing to receive, though duly offered, certain evidence, as appears in said stenographic notes, from defendant and from the witness Rands.

3. Error committed by the Court, to which exception was duly taken, in giving to the jury his instructions 5 and 6, and not giving in substance and effect that certain written requested instruction filed with and presented to the Court on April 6, 1945, or defendant's certain two requested instructions Nos. 5 and 6.

4. That the evidence adduced at said trial was

insufficient to justify that certain verdict finding the defendant guilty, which verdict was filed herein on April 9, 1945, and that it is against the law, and that said verdict is contrary to the weight of evidence and is not supported by substantial evidence.

5. The court erred in denying defendant's motion, which was in substance and effect a motion for acquittal, made by her at the conclusion of the evidence, in which she moved that the Court direct the jury to return a verdict finding her not guilty.

6. That defendant was substantially prejudiced and denied a fair trial by reason of the following circumstances: The attorney for the government, in his final argument before the jury, over defendant's objections, stated what purported to be the law governing violations of the statute of which by the indictment herein the defendant was accused of having violated.

Respectfully submitted,

M. E. MONAGLE

R. E. ROBERTSON

Attorneys for Defendant.

Copy received April 10, 1945.

R. L. JERNBERG

Assistant United States Attorney.

[Endorsed]: Filed April 10, 1945. [8]

In the District Court for the Territory of Alaska
Division Number One, at Juneau

[Title of Cause.]

MINUTE ORDER MADE ON MAY 2, 1945

in Journal #17 Page 4

At this time this matter came before the court for argument on defendant's motion for Judgment notwithstanding Verdict, Defendant's Motion for Acquittal and Motion for a New Trial.

Defendant was present in person and by her attorney, Mr. R. E. Robertson; the Government was represented by R. L. Tollefsen, Asst. United States Attorney. After argument by counsel the Court denied the above motions to which defendant excepted and exception was allowed. [9]

In the District Court for the Territory of Alaska,
Division Number One, at Juneau

No. 1416-KB

UNITED STATES OF AMERICA,

Plaintiff

vs.

MAUDE ANDERSON,

Defendant

JUDGMENT AND COMMITMENT

Now, to wit, on this 4th day of May, 1945, this matter came before the Court for the imposition

of sentence upon the above named defendant, Maude Anderson, upon the verdict of the jury, duly impaneled, sworn and charged in the above-entitled cause, by which verdict the said defendant was found guilty of the crime of Knowingly Causing and Aiding Transportation of a Woman in Interstate Commerce for Purpose of Prostitution, in violation of Title 18, U.S.C.A., Section 398, as charged in the Indictment heretofore on the 24th day of October, 1944, returned by the Grand Jury and filed herein; the defendant being present in person and represented by her counsel, M. E. Monagle and R. E. Robertson; R. L. Tollefsen, Assistant United States Attorney, appearing for and on behalf of the United States; the defendant being asked if she had any good and sufficient reason to state why sentence should not now be imposed upon her, to which she offered none, and the Court being fully advised in the premises,

Hereby Orders, Adjudges and Decrees that it is the Judgment of the Court that the defendant, Maude Anderson, is guilty of the crime of Knowingly Causing and Aiding Transportation of a Woman in Interstate Commerce for Purpose of Prostitution, in violation of Title 18, U.S.C.A., Section 398, as charged in said Indictment, and it is the Sentence of the Court that the defendant be imprisoned in the Federal Penitentiary at McNeil Island, Washington, or in such other institution as the Attorney General of the United States may direct, for a period of Three (3) Years, and that the defendant pay to the United States of

America a fine of Two Thousand Five Hundred Dollars (\$2,500.00), that it have execution therefor, that the defendant be committed to said Penitentiary until said fine is paid, and that said defendant stand committed until the sentence herein imposed is fully executed and paid, and [10]

It Is Further Ordered that the Clerk of this Court deliver a certified copy of this Judgment and Commitment to the United States Marshal or other qualified officer and that the same shall serve as a commitment herein.

Done in open Court this 4th day of May, 1945.

GEO. F. ALEXANDER

District Judge.

Entered Court Journal No. 17 Page 20.

[Endorsed]: Filed May 8, 1945. [11]

[Title of District Court and Cause.]

NOTICE OF APPEAL

Name and address of appellant: Maude Anderson, Sitka, Alaska.

Name and adress of appellant's Attorneys: R. E. Robertson and M. E. Monagle, P. O. Box 1211, 200 Seward Building, Juneau, Alaska.

Offense: Willfully, unlawfully, feloniously and knowingly transport and cause to be transported and aid and assist in obtaining transportation for and in transporting, in interstate commerce, a

woman for the purpose of prostitution and for immoral purposes, to-wit: Gloria Virginia Knapp Bowman, Alias Jean LaRue, from Seattle, in the State of Washington, to Sitka, in the Territory of Alaska, in violation of Section 398, U.S.C.A. Title 18; 36 Stat. 825.

Date of Judgment: May 4, 1945.

Brief description of judgment or sentence: Defendant was sentenced to be imprisoned in the Federal penitentiary at McNeil Island, Washington, or such other institution as the Attorney General of the United States may direct, for a period of three years, and to pay a fine of \$2,500.00, and that defendant stands committed until such sentence is fully executed and paid.

Name of prison where now confined if not on bail: United States Federal Jail at Juneau, Alaska.

I, the above named appellant, hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the judgment above mentioned on the grounds set forth below.

Dated: Juneau, Alaska, this 8th day of May, 1945.

MAUDE ANDERSON

Maude Anderson.

GROUND OF APPEAL:

First: Irregularity in the proceedings of the court by which the defendants were prevented from having a fair trial; [12]

Second: Insufficiency of the evidence to justify the verdict;

Third: Errors in law occurring at the trial and excepted to by the defendant; and

Fourth: Abusive discretion of the trial Court in refusing to grant the defendant time for the arrival of Lu Dickson and Irene Holmquist who were material witnesses for defendant and who would have impeached the government's main witness Marjorie Miller;

Fifth: Abusive discretion in denying the defendant's motion for acquittal, as shown by the defendant's motion for acquittal filed herein and by the Bill of Exceptions to be filed herein;

Sixth: Abusive discretion in denying the defendant's motion for judgment notwithstanding the verdict, as shown by the defendant's motion for a judgment notwithstanding the verdict filed herein, and by the Bill of Exceptions to be filed herein; and

Seventh: Abusive discretion in denying the defendant's motion for a new trial, as shown by the defendant's motion for new trial filed herein; and by the bill of exceptions to be filed herein.

Copy received May 8th, 1945.

R. L. TOLLEFSEN,

Assitant U. S. Attorney,
Attorney for Plaintiff.

[Endorsed]: Filed May 8, 1945. [13]

[Title of District Court and Cause.]

CLERK'S STATEMENT OF DOCKET
ENTRIES

1. Indictment for: Willfully, unlawfully, feloniously and knowingly transport and cause to be transported and aid and assist in obtaining transportation for and in transporting, in interstate commerce, a woman for the purpose of prostitution and for immoral purposes, to-wit: Gloria Virginia Knapp Bowman, alias Jean LaRue, from Seattle, in the State of Washington, to Sitka, in the Territory of Alaska, in violation of Section 398, U.S.C.A. Title 18; 36 Stat. 825. Filed October 24, 1944.

2. Arraignment: March 26, 1945.

3. Plea to Indictment: Not Guilty, March 26, 1945.

4. Trial by Jury: April 5th, 6th and 7th, 1945.

5. Verdict or finding of guilt: Found guilty as charged in indictment April 7th, 1945.

6. Judgment: That defendant serve three years in such Federal Penitentiary as the Attorney General of the United States may direct, and that

defendant pay a fine of \$2,500.00, entered May 4, 1945.

7. Notice of Appeal filed May 8, 1945.

Dated: May 8, 1945.

Attest:

J. H. WALMER

Clerk of the District Court

By: J. W. LEIVERS,
Deputy.

[Endorsed]: Filed May 8, 1945. [14]

[Title of District Court and Cause.]

CLERK'S AMENDED STATEMENT OF
DOCKET ENTRIES

1. Indictment for: Willfully, unlawfully, feloniously and knowingly transport and cause to be transported and aid and assist in obtaining transportation for and in transporting, in interstate commerce, a woman for the purpose of prostitution and for immoral purposes, to-wit: Gloria Virginia Knapp Bowman, alias Jean LaRue, from Seattle, in the State of Washington, to Sitka, in the Territory of Alaska, in violation of Section 398, U.S.C.A., Title 18; 36 Stat. 825. Filed October 24, 1944.

2. Arraignment: March 26, 1945.

3. Plea to Indictment: Not Guilty, March 26, 1945.

4. Trial by Jury: April 5th, 6th and 7th, 1945.

5. Verdict, or finding of guilt: Found guilty as charged in indictment April 7th, 1945.

6. April 10, 1945: Motion for Judgment notwithstanding the verdict filed.

7. April 10, 1945: Defendant's motion for Acquittal filed.

8. April 10, 1945: Defendant's motion for a new trial filed.

9. May 2, 1945: M/o. Argument on above motions heard and all motions overruled.

10. Judgment: That defendant serve three years in such Federal Penitentiary as the Attorney General of the United States may direct, and that defendant pay a fine of \$2,500.00, entered May 4, 1945.

11. Notice of Appeal filed May 8, 1945.

Dated: Oct. 12, 1945 nunc pro tunc May 8, 1945.

Attest:

J. H. WALMER,

Clerk of the District Court

By: J. W. LEIVERS,

Deputy.

[Endorsed]: Filed October 12, 1945.

[Title of District Court and Cause.]

ORDER ADMITTING DEFENDANT TO BAIL

This matter having come regularly on for hearing in Open Court at Juneau, Alaska, on May 12, 1945, with Judge Honorable Geo. F. Alexander presiding, on the petition of defendant to be admitted to bail pending her appeal to the Ninth Circuit Court of Appeals from a judgment of conviction made and entered herein on May 4, 1945. Plaintiff appeared by Robert L. Tollefsen, Assistant United States District Attorney, and defendant appeared by M. E. Monagle, of her attorneys; and, the court being fully advised in the premises,

It Is Hereby Ordered that Maude Anderson, the defendant in the above entitled case, be admitted to bail pending her appeal from the judgment of conviction made and entered herein on May 4, 1945, in the amount of \$25,000.00.

It Is Further Hereby Ordered that the surety on the bail bond or undertaking may justify and qualify before United States Commissioner and Ex-Officio Justice of the Peace, William W. Knight, of Sitka, Alaska, but that the form and sufficiency of the bond shall be finally approved by this court.

The defendant has noted her exception to the amount of the bond on the grounds that the penalty of said bond is unduly excessive and defendant is hereby granted an exception.

Done in Open Court at Juneau, Alaska, the day and year herein first above written.

GEO. F. ALEXANDER

District Judge.

Copy received this 6th day of June, 1945.

R. L. TOLLEFSEN,

Ass't U. S. District Attorney.

Entered Court Journal No. 17, Pages 55-56.

[Endorsed]: Filed June 6, 1945.

In the District Court for the Territory of Alaska
Division Number One, at Juneau

[Title of Cause.]

MINUTE ORDER MADE ON MAY 12, 1945

in Journal #17 Page 27

At this time this case came before the court upon motion of R. E. Robertson in behalf of defendant, Maude Anderson, Mr. R. L. Tollefsen, Assistant United States Attorney, was also present in behalf of plaintiff. Thereupon Mr. Robertson gave Notice of Appeal in this case and requested the Court to set the bail bond in behalf of defendant. Upon due consideration the Court set the bail bond at \$25,000 and directed that the United States Commissioner at Sitka, Alaska, take the bond subject to the approval of this Court and thereafter allowed

90 days in which to get out the transcript of the testimony in this case.

[Title of District Court and Cause.]

ORDER

This matter having come regularly on for hearing in Open Court on May 12, 1945, with Judge Honorable Geo. F. Alexander presiding, and the plaintiff appearing by Assistant United States District Attorney Robert L. Tollefson, and defendant appearing by M. E. Monagle of her attorneys, and it appearing that defendant filed her notice of appeal herein on May 8, 1945, and less than five days after the date of the Court's judgment of conviction was made and entered herein on May 4, 1945, upon the defendant's petition for the Court's directions as might be appropriate with respect to the preparation of the record on appeal; and, the Court being fully advised in the premises,

It Is Hereby Ordered, Adjudged and Decreed that the defendant have, and she is hereby given ninety days in which to make and file a transcript of the record, and ninety days within which to make and file her bill of exceptions and have said bill of exceptions settled, and ninety days within which to make and file her assignment of errors herein.

Done in Open Court at Juneau, Alaska, the day and year herein first above written.

GEO. F. ALEXANDER

District Judge.

Copy received this 6th day of June, 1945.

R. L. TOLLEFSEN,

Assistant United States District Attorney.

Entered Court Journal No. 17 page 56. [17]

[Endorsed]: Filed June 6, 1945.

[Title of District Court and Cause.]

BAIL, COST AND SUPERSEDEAS BOND
ON APPEAL

Know All Men By These Presents: That we, Maude Anderson, as principal, and United States Fidelity and Guaranty Company, a corporation organized and existing under and by virtue of the laws of the state of Maryland with its principal place of business in Baltimore, Maryland, are jointly and severally held and firmly bound unto the United States of America in the penal sum of Twenty Five Thousand (\$25,000.00) Dollars, which payment well and truly to be made we bind ourselves jointly and severally, our heirs, executors and administrators firmly by these presents.

The Condition of the above obligation is such that whereas a judgment having been given on the

4th day of May, 1945, whereby the above named Maude Anderson was condemned to imprisonment in the Federal Penitentiary at McNeil Island, Washington, or such other institution as the Attorney General of the United States may direct, for the period of three years, and to pay a fine of \$2,500.00, and she having appealed from said judgment and been duly admitted to bail in the sum of Twenty Five Thousand (\$25,000.00) Dollars.

Now, therefore, the condition of this obligation is such that the defendant Maude Anderson shall prosecute said appeal to effect, and answer all costs, and pay said \$2,500.00 fine, if she shall fail to make good her plea on appeal, and shall at all times render herself amenable to the orders and processes of this court and of the appellate court, and render herself in execution of said judgment if said judgment of this court is affirmed in said appellate court, or in any court, then this obligation to be void, otherwise to remain in full force and effect.

In Witness Whereof, we have hereunto set our hands this 11th day of June, 1945. [18]

Signed, Sealed, and delivered in the presence of:

M. E. MONAGLE

MRS. SOPHIA BRITT

M. E. MONAGLE

H. E. GREEN

MAUDE ANDERSON

Maude Anderson, Principal

[Seal] UNITED STATES FIDELITY
AND GUARANTY COM-
PANY, a Corporation, Surety.

By R. E. ROBERTSON

Its Attorney-In-Fact

Taken and acknowledged before me this 11th day of June, 1945.

[Seal] M. E. MONAGLE

Notary Public in and for the Territory of Alaska.

My Commission Expires: Mar. 1, 1946.

This undertaking and the surety hereon approved this 11th day of June, 1945.

GEO. F. ALEXANDER

District Judge.

Copy received June 11, 1945.

R. L. TOLLEFSEN,

Assistant U. S. Attorney.

[Endorsed]: Filed June 11, 1945. [19]

[Title of District Court and Cause.]

BILL OF EXCEPTIONS

Be It Remembered that on the 4th day of April, 1945, at the hour of 2:00 o'clock p. m., at Juneau, Alaska, the above entitled cause came on for trial before a jury, the Honorable Geo. F. Alexander, District Judge, presiding; the Government appearing by R. L. Jernberg and R. L. Tollefsen, Assistant United States District Attorneys; the defendant appearing in person and by R. E. Robertson and M. E. Monagle, her attorneys; and both sides having announced they were ready for trial, a jury was duly empanelled and sworn to try the cause; whereupon the jury was duly admonished and Court recessed until 10:00 o'clock a. m., the following day, April 5, 1945, reconvening as per recess, with all parties present as heretofore and the jury in the box; and that R. L. Tollefsen made the opening statement to the jury in behalf of the Government; that R. E. Robertson requested that the rule be invoked that all government witnesses be excluded from the courtroom excepting the one testifying, and the Court ruled that all witnesses would remain out of the courtroom until called; and that M. E. Monagle made the opening statement to the jury in behalf of the defendant;

And Thereupon, the following proceedings were had and testimony taken, to-wit: [20]

MARGUERITE MILLER

called as a witness on behalf of the Government, being first duly sworn, testified as follows:

Direct Examination

By Mr. Tollefsen:

Q. Would you state your name, please?

A. Marguerite Miller.

Q. Are you acquainted with the defendant Maude Anderson?

A. Yes, I am.

Q. And when did you become acquainted with her?

A. It was in the spring of—I believe in 1939 or 1940.

Q. And at what place did you become acquainted with her?

A. The Lakeview Cottage in Sitka.

Q. In Sitka?

A. Yes.

Q. Did you have any business dealings with her, or work for her in Sitka?

A. I don't believe I understood just what you meant.

Q. Did you have any business dealings with her, or work for her in Sitka?

A. I was working for Maude.

Q. In what capacity?

A. As a prostitute in Maude's home.

Q. Lakeview Cottage?

A. That is right.

Q. How long did you work there?

A. From March. I left in September and stayed out until the next spring.

Q. What year would that be that you returned there?

A. That would be in 1941. I returned in March and stayed until November.

Q. During that time, in 1941, was the Lakeview Cottage operated as a house of prostitution?

A. Yes, all the time.

Q. Who was operating it?

A. Maude was the owner and landlady.

Q. Are you familiar with the financial arrangement between Maude and the girls in the house?

A. Yes.

Q. Tell the jury what the arrangements were.

A. We gave Maude one dollar out of three, two dollars out of five, four out of ten. We paid her two dollars a day for board and room.

Q. You stated that you were working in this Lakeview Cottage from March to November, 1941?

A. I worked, yes, as a prostitute until September. In September I started to run Maude's place on halves.

Q. You left Sitka in November, 1941?

A. Yes.

Q. Have you any better idea of what date in November?

A. I left Maude's place right after the first Thanksgiving in November, I remember that.

Q. And where did you go?

A. I went to Seattle.

Q. By what transportation did you go?

A. I went down by the boat. On the North Coast.

Q. And when did you decide to make this trip to Seattle?

A. I gave up working for Maude. She had another girl come, and she was going to build me another place of my own, so when this girl came, I took a trip out. We decided I should make a trip to Seattle. That was about——

MISS MILLER

Q. How long before that did you decide to make this trip?

A. How long before I went? Over a period of two weeks altogether.

Q. Prior to the time of your departure on this trip did you have any conversation with Maude Anderson about the procurement of prostitutes?

A. Yes, that was understood.

Q. When and where did these conversations take place? A. In Maude's private bedroom.

Q. Prior to your departure? A. Yes.

Q. Who was present during these conversations?

A. Mostly it was just between Maude and myself.

Q. Did you have any conversaton in which a third party was present?

A. Only once was there anyone present.

Q. Who was that party?

A. Maude and I were discussing the trip, and I remember Jackie walking through there.

Q. Jackie who?

A. Jackie Lugo. At that time she was Jackie Lugo.

Q. Tell the jury just what was said in these conversations you had in Maude's place before your departure.

A. She wanted me to get some girls. She was dissatisfied with the girl she had. The girl had been drinking and she thought she wanted some more girls. There was a soldiers' pay day coming,

(Testimony of Miss Miller.)

and I was to go down and make arrangements whereby I could get some girls. She said she would kick what she had out as soon as I got the other girls.

Q. Was anything said about money?

A. Yes. She said for me to get them and if they didn't have the [21] fare to advance it and she would collect and have the money by the time I got back.

Q. Was there any arrangement made for you to notify Maude if you obtained any girls?

A. We had a code message I was to use.

Q. Tell the jury what that consisted of?

A. Coats and dresses instead of girls, and instead of "I am sending" use the words "Please send me." "Please send me a dress by boat," that meant a girl was coming by boat. If I said, "Please send me a dress by plane," that meant a girl was coming by plane; so she would know when to expect the girl.

Q. You say it was Jackie Lugo who was present during the conversation. Do you recall what you were talking about when she was there?

A. Yes. She only came through for a little bit. We were talking about this message. Maude was talking about it. I didn't want Jackie to hear it. I felt very bad about it at the time because we were discussing the message at the time.

Q. The code you were to use? A. Yes.

Q. Do you know Gloria Bowman, also known as Jean La Rue? A. Yes, I know her.

(Testimony of Miss Miller.)

Q. Explain how and when you first met her, and what took place.

A. How I met her?

Q. Yes.

A. I met her. I went to a beer parlor to see if they knew of anyone who knew of a girl. A man at the bar at the beer parlor sent a man to the hotel I was staying at and he said he had a girl and brought the girl to my room.

Q. Who was the girl? [22]

A. This Gloria Bowman.

Q. What took place?

A. I asked her if she wanted to come up here.

Mr. Monagle: We object to any conversation that took place there as not being in the presence of the defendant.

Mr. Jernberg: She hasn't been asked that.

The Court: You can't ask what the conversation was but you can ask what was done or what arrangements were made.

A. I made arrangements with her to come up here and to leave on the same boat I went down on, to be in time for the soldiers' pay day. I advanced her \$70.00 of my own money.

Q. For what?

A. Transportation, cab fare, and some money to have while on the boat, a little bit to spend.

Q. Was any arrangement made for repayment?

A. I told her to give the money to Maude.

Mr. Monagle: We object to any conversation regarding arrangements down there.

The Court: What arrangements? With who?

(Testimony of Miss Miller.)

Mr. Tollefsen: Gloria Bowman.

The Court: By this witness?

Mr. Tollefsen: Yes.

The Court: I don't think it is material any way.

Mr. Tollefsen: If the Court please, we have already established that the witness was acting for the defendant. Consequently the arrangements made between the defendant and this witness have to be carried through this witness to the third party, and are binding on the defendant if the jury is convinced beyond a reasonable doubt.

Mr. Monagle: We don't agree that is the law. Any conversation that took place between this witness—or any [23] conversation, unless in the defendant's presence——

The Court: It would be if she was acting as agent.

Mr. Monagle: There is no foundation.

The Court: She testified that she arranged, before she went down, with the defendant that if the girls were not able to do so that she was to pay the fare and would be reimbursed when she got back.

Mr. Monagle: She also testified that she made arrangements to get a place of her own from Maude Anderson. That is her testimony.

The Court: I don't recall that.

Mr. Monagle: I submit to the Court Reporter.

Mr. Tollefsen: That would be taking it out of the jury's hands at this point. It has certainly been established, if they believe her testimony, that

(Testimony of Miss Miller.)

there is an agency there and that she was procuring girls for the defendant, and we are entitled to go into that. She was acting as agent for the defendant. If the jury doesn't believe an agency existed, they can find some other possible explanation. That does not make it inadmissible.

The Court: I didn't hear that.

Mr. Monagle: I submit that she testified she was running a place owned by Maude Anderson, and then——

The Court: She was running it?

Mr. Monagle: And Maude got another woman to run it and arranged to——

The Court: Let the Court Reporter read that testimony.

Court Reporter: "I gave up working for Maude. She had another girl come, and she was going to build me another place of my own, so when this girl came, I took a trip [24] out. We decided I should make a trip to Seattle."

Mr. Tollefsen: If there is any doubt on it, I would like to be heard further, but the jury should be excused.

The Court: The matter ought to be cleared up right now. Who were you procuring Gloria Bowman for?

A. For Maude Anderson.

The Court: And in the arrangements you made with Gloria Bowman who were you acting for?

A. Maude Anderson.

The Court: At all times?

(Testimony of Miss Miller.)

A. At all times.

The Court: Did you have any interest in Gloria Bowman yourself?

A. Nō, I didn't.

The Court: The money you advanced her you advanced for Maude Anderson?

A. Yes.

The Court: Under a previous arrangement with her?

A. Yes.

The Court: Go ahead.

Q. What arrangement did you make, if any, with Gloria Bowman for repayment of the \$70.00?

A. She was to pay it back to Maude.

Mr. Monagle: We would like an exception. If the conversation took place in Seattle——

The Court: I understand that. If she was acting as agent for the defendant here, it would be admissible, certainly.

Mr. Monagle: We would like an exception, for the reason that there is no agency and no foundation has been laid, [25] and anything said in Seattle is not binding on the defendant, and for the further reason that the witness on the stand admitted being an accomplice in the deal, and that any testimony down there is incompetent, irrelevant and immaterial.

The Court: There is no objection that I know of as a basis for your exception.

Mr. Monagle: The Court ruled she could answer

(Testimony of Miss Miller.)

the question. We object to her answering the question on those grounds I stated.

The Court: Objection be denied.

Mr. Monagle: Exception.

The Court: It will be allowed. Go ahead.

Q. Subsequent to your advancing this money to Gloria Bowman, do you know what she did?

A. Yes.

Q. What? A. She worked as a prostitute.

Mr. Monagle: We object to that as hearsay. It would be entirely hearsay as to what Gloria Bowman did.

Mr. Tollefsen: If the Court please, I asked if she knew and she said she did.

The Court: It wouldn't be hearsay if she knew.

Q. What did she do after you gave her this money?

A. She went and bought a ticket and came back and showed me the ticket.

Q. What boat did she leave on?

A. The North Coast. The same one I went down on.

Mr. Monagle: We ask for an exception to all these questions as being incompetent, irrelevant and immaterial, [26] and not binding on the defendant—the defendant wasn't there.

Mr. Tollefsen: If the Court please, there is no conversation involved in this line of questioning—

Mr. Monagle: If an exception isn't good on any other ground, it isn't primary evidence. Gloria Bowman is the best witness as to what she did.

(Testimony of Miss Miller.)

The Court: She can testify to what she knows in carrying out the arrangement she claims to have made.

Mr. Monagle: We object on the ground that the witness performed acts for her, and that is the best evidence of fact.

The Court: That is not necessarily the only evidence. The witness may answer if she knows. She says she knows, and I assume she is testifying from personal knowledge. If she is, it is admissible.

Q. Did you state what boat she left on?

A. She left on the North Coast.

Q. Did you do anything else about procuring girls for Maude?

A. Yes. I got her two more girls.

Mr. Monagle: That is immaterial. She is not accused of bringing anyone but Gloria Bowman.

Mr. Tollefsen: If the Court has any doubt on that point, I would like to be heard in the absence of the jury?

The Court: Do you want to press that point?

Mr. Monagle: Yes, your Honor.

The Court: The jury will be excused until called.

(Whereupon the Court admonished the jury, and the jury retired to the Jury Room.) [27]

The Court: I will save time by stating that I think this testimony is admissible if she did secure two other girls in pursuant of the same arrangement, on the same trip. If you have authorities to the contrary, I would like to see them.

(Testimony of Miss Miller.)

Mr. Monagle: My position on that line of questioning is that anything else she did is purely prejudicial—as to any other girls. The defendant is only accused in the indictment of bringing one girl up. If she brought some other girls, whether she is indicted for it or not, our client isn't. It is prejudicial to the jury.

Mr. Tollefsen: If the Court please, it naturally goes to the intent, motive and plan by showing other actions of the same type and character. We will introduce in evidence a communication with reference to the other two girls, as well as Gloria Bowman. It is necessary the evidence be introduced, to show the other two girls were being procured, in order that the documentary evidence will make sense regarding the same transaction.

The Court: Read the question asked just before this discussion started.

Court Reporter: "Did you do anything else about procuring girls for Maude?"

Mr. Tollefsen: Any acts we show whereby she procured any girls in Seattle for Maude Anderson indicates and substantiates the arrangement with Maude, that she was acting as agent in procuring these girls; not to convict her for bringing up any other girls she might have brought up; but to substantiate and indicate the plan [28] under which——

The Court: A general course of conduct.

Mr. Monagle: A general course of conduct as to other girls doesn't substantiate this. If the

(Testimony of Miss Miller.)

District Attorney is attempting to prove conspiracy, that is different.

The Court: It doesn't charge any.

Mr. Monagle: We submit there isn't any, if it please the Court.

The Court: I think the fact should be established clearly and conclusively that the procuring of these other two girls, if they were procured of course, was made pursuant to general instructions—not general instructions, but pursuant to the instructions from the defendant and was part of her mission down below, in other words part of a general plan.

Mr. Tollefsen: (To Court Reporter) Would you read that question back again?

The Court: Wait until the jury comes before asking any additional questions. Call the jury.

(Whereupon the jury returned to the Jury Box.)

Q. I will withdraw the last question. I will ask you, if while you were in Seattle, you did anything else toward procuring girls for Maude Anderson, in accordance with your arrangement with her?

A. I got two girls.

Mr. Monagle: We object on the ground that it is not binding on the defendant and is incompetent, irrelevant and immaterial. [29]

The Court: It would be better to ask if the arrangement with the defendant was to get other girls, or how many girls, or what the arrangement was.

(Testimony of Miss Miller.)

Q. Will you state again what the arrangement was about getting girls and how many?

Mr. Monagle: When and where, and what arrangements were made?

Mr. Tollefsen: I am asking the question.

Mr. Monagle: I would like to know where and when—I might object—Sitka or Alaska—where was the arrangement made?

Q. You previously made an arrangement in Sitka? A. Yes.

Q. Prior to your departure for Seattle?

A. Yes.

Q. At that time and place what arrangement did you have with Maude?

A. That I should bring three girls and, if I could get another that was real good, to bring her.

Q. How many?

A. Three for sure, and if possible to get another because she would like to replace one she had, and put her in the place, but three any way.

Q. Pursuant to that arrangement did you do anything else in Seattle about getting girls, other than what you testified to regarding Gloria Bowman?

A. Yes. I got two more girls.

Mr. Monagle: Answer “yes” or “no”.

The Court: Address your remarks to the Court.

Mr. Monagle: I don't have a chance to interpose my objections. [30]

The Court: She said that she did get two other girls.

Mr. Monagle: I move to strike the answer. She

(Testimony of Miss Miller.)

was asked if she did, not what she did. I move to strike the answer.

Mr. Robertson: If she would answer "yes" or "no," we would have a chance to object.

The Court: I don't think the witness understood the question. That answer was responsive to it. Objection denied.

Mr. Monagle: We will take an exception.

Q. What arrangement did you make with these other two girls?

Mr. Monagle: We object to that on the same grounds stated—incompetent, irrelevant and immaterial, and not binding on the defendant.

The Court: Overruled.

Mr. Monagle: We will take an exception. It will save time if we except to all questions of conversation and arrangements with any other person than the defendant here and Gloria Bowman, who she is charged with bringing up. If the Court will allow an exception to all questions and answers, it will save interrupting.

The Court: That is pretty broad. I am admitting this testimony as to any others than Gloria Bowman on the theory that it establishes a general course of conduct.

Mr. Monagle: Our objection is based on the ground that the defendant is not charged with a general course of conduct but with bringing Gloria Bowman up.

The Court: There is no crime of general course of conduct that I know of. Go ahead.

(Testimony of Miss Miller.)

Mr. Tollefsen (To Court Reporter): Will you read the question back? [31]

Mr. Monagle: Will the Court give us an exception to that question?

The Court: I can't rule on an exception of that kind.

Court Reporter: "What arrangement did you make with these other two girls?"

A. I made arrangements to have them come here by plane—to Sitka by plane—and advanced them the fare, the same as I did the other girl.

Q. Did you advise Maude Anderson you had procured these three girls? A. Yes.

Q. By what form of communication?

A. Telegraph and code message.

Q. Do you recall what was said in that message?

Mr. Monagle: We object, if the Court please. If a telegram was sent, and she said one was, the telegram is the best evidence.

The Court: It is if you have it.

Mr. Tollefsen: If the Court please, this telegram was sent to the defendant. Consequently it was not in the possession of this witness. We have the telegram but it was obtained by another witness. I want this witness to testify to what she sent so it can be identified when it is introduced in evidence.

The Court: If it is her telegram, she can identify it.

Mr. Tollefsen: Then I will ask the Court to let

(Testimony of Miss Miller.)

me withdraw this witness and call the witness who has it, and then——

The Court: Can't you show her this telegram and have her identify it as the message she sent—not on the same [32] paper, but the identical message?

Mr. Monagle: If it is the same message she sent, anything she sent is not binding on the defendant.

The Court: As to the telegram——

Mr. Monagle: Anyone could send you a telegram but it would not be binding on you, would it?

The Court: We are wasting time, under the circumstances, as your client ought to know whether the telegram was sent to her.

Mr. Monagle: I haven't seen it, but I don't like it in the record.

Mr. Robertson: They should produce it and let us look at it.

The Court: You are entitled to before it is introduced.

Mr. Tollefsen: I will ask that the telegram be marked for identification, and I will show it to this witness and a subsequent witness, and show it is the same telegram that was obtained by the subsequent witness. I would like to have it marked so the record will show it is the same telegram being testified to by both witnesses.

The Court: It may be marked for identification.

(Said telegram was admitted and marked Government's Exhibit Number "A" for Identification.)

(Testimony of Miss Miller.)

Q. I will show you Plaintiff's Exhibit "A" for Identification and ask if that is the telegram which you sent?

The Court: To the defendant Maude Anderson.

Q. To the defendant Maude Anderson, regarding these three girls?

Mr. Monagle: May it please the Court, let the witness be instructed to answer "yes" or "no" to that question. [33]

The Court: That is what she is asked.

Q. Is that the telegram you sent?

A. Yes; that is the same message any way.

Q. Did you have any other communication with the defendant Maude Anderson regarding the procurement of these girls, besides that particular telegram?

A. Before I went down, you mean?

The Court: Any other telegrams, you mean?

Q. Telegrams, letters or communications between you and Maude Anderson, while you were south?

A. Yes.

Q. What did they consist of?

Mr. Monagle: We object to what they consisted of as not the best evidence. If there were letters from the defendant——

Q. I will withdraw that. Did you receive a letter from the defendant regarding those girls?

A. Yes.

Q. Where is that letter?

A. I haven't got it. I destroyed it.

Q. Will you state what the letter contained? It has been established the letter was destroyed.

(Testimony of Miss Miller.)

Mr. Monagle: May it please the Court, I think the question should be more definite as to when the letter was dated, when it was received, and where it was sent from. She testified the letter was destroyed. Under the rules of private rights, we have the right to know who it came from, and when, and it must be authenticated.

The Court: She said it was from the defendant Maude Anderson. About when did you receive this letter? [34]

A. I received it when I was in Los Angeles, shortly after the war was declared. That would be along——

The Court: Before or after you sent the girls up here?

A. After—that I received the letter.

The Court: Did it have to do with the sending of these girls up here?

A. Yes.

The Court: How?

A. Yes, it did.

Q. What did the letter say?

Mr. Monagle: We object, may it please the Court, on the grounds that it is not binding on the defendant, is not substantiated or authenticated, and is something that happened after the date of the defendant's being accused of committing the crime, and wouldn't be binding on her.

The Court: Certainly her own writing should be binding on her. The witness testified she had a letter from her shortly after war was declared, and in relation to this girl transaction.

(Testimony of Miss Miller.)

Mr. Monagle: We have a right to know whether it was written by Maude or typewritten.

The Court: Maybe your client has a copy of it.

Mr. Robertson: We take exception to the Court's insinuation from the Court's own mouth.

The Court: The Court doesn't mean to convey such an impression. The line of objection is such that I am trying to find out what counsel does want any way.

Mr. Monagle: The only thing we want is to limit the proof to what defendant is charged with. He can't go a year after or two years behind. She isn't giving any [35] date when it was received in Los Angeles.

The Court: I beg your pardon. She said it was about the time War was declared. She said she was in Los Angeles, and this letter she received, as I understand it, was received there about the time War was declared. Is that what you said?

A. Yes, right afterwards.

The Court: It is a matter of general knowledge when War was declared.

Mr. Monagle: It is at least forty days after the date she is charged with the crime—well, it is two weeks after she testified she sent the girl up, on the same boat she went down on, and she left the last part of November.

The Court: I asked her if it had to do with this same transaction, this girl transaction. If it is, it is admissible.

Mr. Monagle: The only thing is how can she

(Testimony of Miss Miller.)

“aid and assist” after the girl is in Sitka, by her own testimony.

Mr. Jernberg: If the Court please, we believe we are pretty well supplied with authorities. If the jury will be excused, I would like to convince Mr. Monagle.

The Court: The Court is convinced already.

Q. Will you state what that letter contained?

Mr. Monagle: We object to all testimony about this letter on the grounds that it is not authentic and there is no proof as to the date or time and it is incompetent, irrelevant and immaterial and self-serving on the part of the witness.

The Court: Answer the question. Read the question.

Court Reporter: “Will you state what that letter contained?” [36]

A. In that letter Maude said the two girls hadn’t shown up and she didn’t know where they were. She was talking about the girls, the houses, and since the War was on they were having blackouts and that business was bad and she might have to close. She said she decided not to build on to her mother’s home for me.

Q. Did she state anything in that letter about Gloria Virginia Bowman?

A. Yes. She said one girl had arrived by boat, but those on the plane didn’t.

Q. Then did you return to Sitka from the south, from that trip? A. Yes, later on.

Q. When did you return?

A. The last part of January.

(Testimony of Miss Miller.)

Q. What year would that be?

A. That would be 1942.

Q. Upon your arrival in Sitka, where did you go?

A. I went to the cottage I was living in, and then I went over to Maude's place.

Q. Did you have any conversation with Maude Anderson at that time regarding these girls?

A. Yes. We discussed it, and I asked her——

Q. When was this? When did the conversation take place?

A. In the morning when the boat got in. Rather early in the morning. Nine or ten o'clock perhaps.

Q. The latter part of January, 1942?

A. Yes.

Q. Where did it take place?

A. In Maude's cottage—her home.

Q. Was anybody else present? [37]

A. No.

Q. What was said at that conversation?

A. It was said that the two girls didn't come at all. This other girl came and then left the place. I asked her if she got my money, and she said "no."

Mr. Monagle: You said you asked her if she got some money?

A. I asked her if she collected my money from the girl.

The Court: What girl?

A. This Virginia Bowman.

Q. What did she say?

A. She said, "No," the girl wouldn't pay it to

(Testimony of Miss Miller.)

her, that she denied it and wouldn't pay her any money. She said she tried to collect it.

Q. Subsequent to that time did you make any settlement with Maude Anderson with reference to the money you advanced?

A. Later on Maude allowed me the difference on that money and some from another girl, for the rent.

Q. What do you mean by that? Explain a little more fully.

A. I had some money coming to me from the girls that were supposed to come by plane and didn't show up. The money the Bowman girl owed me, and the other money, Maude said she would let me have that towards the rent of the cottage I was living in.

Mr. Robertson: I will ask the Court to instruct the witness to speak louder, and ask that the Reporter read the last answer to tell what she said.

The Court: The witness will speak louder so we can all hear. Read the answer.

Court Reporter: "I had some money coming to me from the girls that were supposed to come by plane and didn't show [38] up. The money the Bowman girl owed me, and the other money, Maude said she would let me have that towards the rent of the cottage I was living in."

Q. Who owned the cottage you were living in?

A. Maude.

Q. You were renting it from her?

A. Yes. I was renting it since in September that year.

(Testimony of Miss Miller.)

Q. How big a place was that?

A. One large bedroom, and a built-on small kitchenette, and a bath.

Q. Do I understand you to say that Maude allowed you or applied the money these girls owed you against the rent you owed her on that cottage?

A. Yes.

Q. How long did you stay in Sitka when you returned at this particular time?

A. I left there some time in March.

Q. The same year? A. Yes.

Q. And did you return to Sitka after that?

A. No.

Q. In this connection, with this same transaction, you are charged with violation of the White Slave Traffic Act, are you not? A. Yes.

Q. And where were you apprehended on that charge? A. Los Angeles.

Q. Explain the circumstances under which you were apprehended.

Mr. Monagle: We object to that.

The Court: I can't see how that could be competent.

Mr. Tollefsen: I will withdraw the question. You may cross-examine. [39]

(Recess.)

Cross-Examination

By Mr. Robertson:

Q. Miss Miller, I understood Mr. Tollefsen to ask you shortly before he finished the Direct Ex-

(Testimony of Miss Miller.)

amination whether or not you were charged with the crime of violation of the White Slave or Mann Act. Is that what you were asked, or not?

A. I don't remember.

Q. Is it true you have plead guilty——

A. That is right, I plead guilty.

Q. To an indictment charging you with furnishing transportation for this prostitute Jean La Rue or Bowman from Seattle to Sitka, is that not true?

A. I have plead guilty.

Q. You weren't engaged in prostitution in November, 1941, in Sitka, were you?

A. I was operating Maude's house in November.

Q. But you were not engaged in prostitution; you had gone out of the business of being a professional prostitute?

A. No. I worked some, too.

Q. What day did you leave Sitka in November, 1941?

A. It was right after the first Thanksgiving, on the end of that week. I went out on that boat. I don't remember the exact date.

Q. Prior to your leaving there, you said you had a conversation with Maude Anderson about your going to Seattle and procuring some girls for prostitution in Sitka, is that right?

A. That is right.

Q. I understood you to say at one time there was a girl by the name of Jackie Nuga, or some such name, is that correct? [40]

A. Yes.

Q. What was that girl's name? Jackie Nuga?

A. Lugo.

(Testimony of Miss Miller.)

Q. That was your sister, wasn't it?

A. Oh, no.

Q. That was not your sister?

A. No relation at all.

Q. She was not present at the time that you claim you and Mrs. Anderson made up this code, was she?

A. Do you mean was she there at the time we were making it up?

Q. Yes.

A. She was there at the time we were discussing it.

Q. Right in the room? A. Yes.

Q. Where is she now?

A. I guess she is out in the hall.

Q. The same Jackie Lugo? A. Yes.

Q. Who was Jackie working for at that time?

A. At that time?

Q. Yes.

A. She was working for Maude and myself.

Q. For Maude and yourself?

A. Yes, Maude and I. I had the place on halves with Maude.

Q. Isn't it a fact, Miss Miller, at that time Jackie was working for a woman by the name of Ruby Hazelwood? A. No.

Q. That is not true?

A. Not at that time, no.

Q. You returned to Sitka what time in 1942?

A. It was along the last of January some time. It possibly might have been even the first of February.

(Testimony of Miss Miller.)

Q. When you got back Jean La Rue or Bowman was working there?

A. She was working at a place called the Red House.

Q. She was not working in any house owned by Mrs. Anderson?

A. That is right.

Q. Was she, or not?

A. She was not.

Q. Did you accompany her down to the boat North Coast when she left Seattle to come to Sitka?

A. I did not.

Q. When was it you last saw her in Seattle?

A. At the hotel.

Q. What hotel?

A. The Atwood.

Q. You don't know of your own personal knowledge that she went to Sitka?

A. I called the next morning.

Q. Of your own personal knowledge——

A. I didn't see her go.

Q. All you know is what someone else told you?

A. I called up the steamship company.

Q. You only know what somebody else told you, isn't that correct?

A. Yes.

Q. You spoke about, if I understood your testimony, you spoke about two other girls or women who you said were going by plane?

A. That is right.

Q. Who were they? What were their names?

A. Their names—one was Diana Crawford and the other was Maxine something; I have forgotten her last name now. [42]

Q. Did you accompany them to see them depart from Seattle for Sitka?

A. No.

(Testimony of Miss Miller.)

Q. You don't know whether, of your own personal knowledge, they ever went to Sitka?

A. I don't believe I understand.

Q. You don't personally know whether they ever went to Sitka, except what someone else told you?

A. They never went to Sitka that I know of. They got kicked off the boat.

Q. Now then, after you got back to Sitka late in January or early in February, 1942, how long did you remain in Sitka then?

A. I left there sometime—I think it was in March.

Q. In March, 1942? A. Yes.

Q. When did you next return to Sitka after that? A. I never have been there since then.

Q. You have never been there since then. Is it not a fact that you left Sitka at that time because you found, when you got back to Sitka, on account of the War Mrs. Anderson had not built this house which you and she agreed she would build and lease to you? A. No, that isn't the reason.

Q. Did you work as a prostitute after you got back to Sitka the latter part of January or the early part of February, 1942? A. I did not.

Q. Where did you work?

A. I didn't work at all.

Q. You didn't work at all. Now then, when was it that Mrs. Anderson gave you the credit, as you claim, upon the rent that you owed her, for the money you claimed you advanced to [43] this Jean La Rue and to these other two girls?

(Testimony of Miss Miller.)

A. In March.

Q. March, 1942? A. Yes.

Q. Is that true? A. Yes.

Q. Was any money handed over to you in any form? A. From Maude?

Q. Yes. A. No.

Q. Did Maude give you a check of any kind?

A. No.

Q. Or a bank draft of any sort? A. No.

Q. No dime of any kind?

A. Not to my knowledge, no.

Q. When had this rent—for what period of time was this rent for, which you claim she gave you credit? A. I think it was three months.

Q. What three?

A. I hadn't paid her any since I had been back so it must have been at least January, February and March.

Q. You didn't get back until the latter part of January or early February. Did you pay anything while you were away? A. No.

Q. That would only be two months.

A. I was out and my rent was due.

Q. Were you paying rent while you were absent in Seattle?

A. I think the rent was paid to the time I left for Seattle, but I hadn't paid any when I came back. [44]

Q. While you were absent in Seattle—you were gone from Sitka to Seattle from about a day or so after the first Thanksgiving in November, 1941, up

(Testimony of Miss Miller.)

to the latter part of January or early February, 1942—I would judge ten or eleven weeks or so?

A. Yes.

Q. Were you supposed to pay Mrs. Anderson during that time while you were down in Seattle?

A. Naturally I would pay rent. I was still keeping her home.

Q. You were still keeping her home?

A. I had my things in that place.

Q. That is the rent she charged off when you came back, as credit against the money you claimed you advanced to these three girls, is that right?

A. That is right.

Q. Did Mrs. Anderson raise any objection to paying back money you advanced to the other two girls who never arrived?

A. Yes.

Q. But you convinced her she should pay it?

A. I convinced her I had it coming to me.

Q. She told you, as I understood it, that Jean La Rue or Bowman had refused to make any reimbursement?

A. Yes.

Q. Of the money which you claim you gave to Jean to come from Seattle to Sitka, is that right?

A. That is right.

Q. Is this letter you told Judge Alexander about, is that the only letter you ever received from Maude Anderson?

A. No. I received another letter after that.

Q. How long after that?

A. Just before I came back in January. [45]

Q. Just before you came back in January. Now

(Testimony of Miss Miller.)

then, how long did you stay in Sitka, I mean in Seattle after you got there in November, 1941?

A. Just long enough to get the girls for Maude and then I went to Los Angeles.

Q. And that is where you contend you got this letter from Maude Anderson, this letter you got in December, 1941, which you claim was addressed to you in Los Angeles? A. Yes.

Q. How did you happen to destroy that letter?

A. Because it could be evidence against Maude and evidence against me.

Q. When did you destroy it?

A. I destroyed it before I came back.

Q. You destroyed it before you came back the latter part of January, 1942?

A. That is right.

Q. How did you destroy it?

A. I tore them up and put the evidence in the waste basket.

Q. Was any photostatic copy of that letter, or any other copy of any kind made, to your knowledge? A. No.

Q. You also destroyed the envelope?

A. I can't recall, but I imagine I did.

Q. But you really don't know?

A. I usually pick up a letter and tear it in two, envelope and all.

Q. There wasn't any money included?

A. No.

Q. No check? A. No. [46]

Q. No draft of any kind? A. No.

(Testimony of Miss Miller.)

Q. Had you written from Seattle to Mrs. Anderson and told her what your address in Los Angeles would be?

A. She knew my sister's address that I had always had.

Q. You had this address of your sister's in Seattle all the time? A. Los Angeles.

Q. You had that all the time? A. Yes.

Q. That was well known? A. Yes.

Q. Was that why the F. B. I. had such a hard time finding you down there?

Mr. Jernberg: We object.

Q. I will withdraw the question. When did you leave Los Angeles? A. When do you mean?

Q. When you were returning north that time, to come back to Sitka.

A. The last time I came to Sitka?

Q. The latter part of January or early February, 1942; when did you leave Los Angeles?

A. The last of January, I left there to come up here.

Q. How did you return home to Sitka?

A. I came to Seattle on the train, and then by boat the rest of the way.

Q. What boat did you come back on?

A. North Sea.

Q. Now during this period—I asked you a while ago about this Jackie being your sister—you did have a sister in Sitka? A. Yes.

Q. Is she still in Sitka? [47] A. No.

Q. Where is she?

(Testimony of Miss Miller.)

A. At home, her own home.

Q. Did she work for you as a prostitute?

A. She never was a prostitute. She never worked as a prostitute or was in those places.

Q. You know Irene Holmquist in Sitka or vicinity, don't you? A. Yes.

Q. She has never been a prostitute either, so far as you know? A. Not that I know of.

Q. She is Mrs. Anderson's sister, isn't she?

A. Yes.

Q. Isn't it a fact, Miss Miller, after you returned to Sitka the latter part of January or early February, 1942, and before your departure from Sitka in March, 1942, sometime during that period in Sitka, Alaska, you approached Irene Holmquist, knowing she was a sister of Mrs. Anderson's, and told Irene Holmquist that you were going to get a revenge against Mrs. Anderson for having failed to build this house for you? A. No.

Q. Wait a minute—and you were going to try to get her by accusing her of furnishing or aiding in furnishing transportation of these three women from Seattle to Sitka, or in substance, didn't you tell Irene Holmquist that? A. I did not.

Q. You did not. Now I will ask you whether or not, during that same period—pardon me—you know Clarence Rands, a contractor and prominent business man, don't you? A. Yes.

Q. Sometime during that period, in Sitka, Alaska, I will ask you [48] whether or not you didn't ask or tell Mr. Clarence Rands in substance

(Testimony of Miss Miller.)

that you were so going to get revenge against Mrs. Anderson? A. I did not tell him that.

Q. Not exactly or in substance?

A. When he came over to see when she could have the cottage, I told him I was not sure I would leave right away and that Maude knows why.

Q. I can't hear.

A. When he came to the cottage before I was ready to leave to see when he should start building, I told him the reasons why I was not giving the place up. I said, "Wait and I will call Maude, and let you know right now," and he said, "Wait a minute. Let me get out. I don't want to get mixed up on anything."

Q. The question I asked was whether or not during the period in Sitka, Alaska, you didn't so tell Mr. Clarence Rands in substance that you were going to get even with Mrs. Anderson?

A. No.

Q. By accusing her of furnishing or aiding in furnishing transportation of these three women from Seattle to Sitka?

A. That is the only thing, the only conversation I had with him on that.

Q. I am talking about the period during the latter part of January or first part of February, 1942, to March, 1942. You had no such conversation during that period?

A. Only the one I told you about.

Q. Do you know a girl over in Sitka by the

(Testimony of Miss Miller.)

name of Lou Dixon or Northrup, that formerly was a prostitute in Sitka?

A. I know her in a way. I am not very well acquainted with her. [49]

Q. Now, during this period, sometime during this period between the latter part of January and early February, 1942, and the date in March, 1942, when you left Sitka, did you not, in Sitka, Alaska, or vicinity, talk with Lu Dixon and tell her that you were going to get even with Maude Anderson because she failed to build this house for you, by accusing her of either furnishing or aiding in furnishing transportation of these three women from Seattle to Sitka? A. I did not.

Q. Or tell Lu Dixon that in substance?

A. No.

Q. You did not? When you returned to Sitka the latter part of January or early February, 1942, how long had you been there before you encountered Jean La Rue or Gloria Virginia Bowman or whatever her real name is?

A. I got in touch with her within a day or two; as soon as I could I got in touch with her.

Q. I don't think I asked this, if I did, I don't mean to be repetitious. Where was she working at that time? A. At the Red House.

Q. Not Maude Anderson's? I asked that before, didn't I? I understood you to say that Jackie Lugo was working in this house which you were running together, or for, or however you considered

(Testimony of Miss Miller.)

it, or with Mrs. Anderson in November, 1941, is that correct? A. Yes, she was there.

Q. Wasn't Jackie Lugo working as a prostitute for a house of Ruby's during October and November, 1941? A. No.

Q. You are sure? [50]

A. I am quite sure of that.

Q. You said you were actually running this house of Maude Anderson's right up to the time you left Sitka in November, 1941?

A. No. I gave it up about a week ahead.

Q. Where were you living that last week?

A. In my own cottage.

Q. Who did you rent the cottage from?

A. Maude.

Q. You were not engaged in prostitution at that time, were you? A. No.

Q. Pardon me. I did ask that. Up to that time you were living in your own cottage, rented from Maude, and were not engaged in prostitution, and were running this house and got half the proceeds, didn't you?

A. Yes, on everything but one of those phonograph machines, nickelodians——

Q. You didn't get that?

A. And I got half the liquor.

Q. The only place or house that you had and for which you claimed you were supposed to have paid rent for while you were absent in Los Angeles and Seattle during the period from the 10th or 12th of November, 1941, to the latter part of Jan-

(Testimony of Miss Miller.)

uary or early February, 1942, was this house you had been living in just before you went south, and you were living there as a respectable woman and not as a prostitute, isn't that correct?

A. That was the only house.

Q. Weren't you, when you went to Seattle, inquiring for some furniture for this house Maude Anderson through your arrangement was to build for you?

A. Linens, bedding, a stove, and I think a couple of chairs. She [51] had some furniture in her barn I was going to use.

Q. As a matter of fact, didn't you bring back with you some furniture at least for that house, thinking Mrs. Anderson had built the house for you during your absence? A. No.

Q. Didn't you bring some of that furniture back and sell it before you left for the south in 1942 to somebody called Harry Van?

A. That furniture I had ordered a good two months before I went down. That was furniture I was going to put in the cottage and have a living-room instead of a bedroom. It was parlor furniture and I ordered it two months or longer before I went down.

Q. The furniture didn't arrive until you had gone south about the 10th or 12th of November?

A. No.

Q. It came while you were gone down south?

A. Sometime while I was gone.

(Testimony of Miss Miller.)

Q. You claimed that you ordered that before you went south?

A. Oh, yes, long before I went south.

Q. Wasn't that furniture which arrived there while you were down in Seattle, wasn't that for the house of prostitution you were going to start in Sitka?

A. No. It was living room furniture I was going to use in the cottage. I was going to take the bedroom furniture out and with a daveno for the bed just use livingroom furniture.

Q. Now, these services that you were performing for Mrs. Anderson down in Seattle, running around obtaining prostitutes for Sitka; I suppose you had to spend money for entertainment and things of that kind? [52]

A. No, I didn't have to. I got them quick.

Q. In your settlement with Mrs. Anderson did she allow anything for your services? A. No.

Q. You did it out of an act of friendship?

A. I did that while I had my stay in Seattle.

Q. You were interested in getting your actual disbursements back? A. Yes.

Q. When you were talking about this code with Mrs. Anderson did you make it in writing so you wouldn't get mixed up or so there wouldn't be any misunderstanding? A. We discussed it.

Q. It was so simple you didn't need to do that?

A. I don't see why I should have.

Q. How long was Jackie Lugo in the room while you were discussing it? A. A short time.

(Testimony of Miss Miller.)

Q. Did you tell her what the code consisted of?

A. Maude was talking about it. I was surprised because I didn't want her to hear it. I was surprised at Maude discussing such a thing.

Q. Was it secret? A. Sure.

Q. You didn't want to tell anybody, except to have you and Maude know it?

A. That is right.

Q. Did you happen to think that if you got into court some day it would be your word against Maude's whether it was dresses or girls, when you used those words?

Mr. Tollefsen: I object. That is argumentative.

The Court: Objection be sustained. The question is totally improper.

Q. You have known Mrs. Anderson now since about the time you first went to Sitka, sometime in the spring of 1939 or 1940? A. Yes.

Q. At this time in November, 1941, was Mrs. Anderson sick, or was she a strong healthy woman at that time?

Mr. Tollefsen: I object to the question as being immaterial.

The Court: I don't think it is material.

Mr. Robertson: It is material as to her mental condition.

The Court: There is no question raised about her mental condition.

Mr. Tollefsen: I think it is immaterial. If you want to discuss it any further, I will be glad to——

The Court: Go ahead with the examination.

(Testimony of Miss Miller.)

Q. Miss Miller, I understood you to say that the conversation between you and Mrs. Anderson was in her private bedroom? A. Yes.

Q. Was she in bed?

A. Sometimes, and sometimes up.

Q. Was she in her chair?

A. She was not using a chair.

Q. Was she on crutches?

Mr. Tollefsen: We object.

The Court: The Court has ruled on that.

Mr. Monagle: We take an exception.

Mr. Robertson: The witness on the stand testified the conversation took place when Mrs. Anderson was in bed—whether from laziness or sickness—— [54]

The Court: The question of her health is not at issue or her mental condition. She is here in the courtroom and the jury can see her. There is no question raised as to her physical or mental condition. Do you claim her mental condition was bad at the time?

Mr. Robertson: The District Attorney asked the witness and she answered that the plot was made to use the code for bringing these girls up. The testimony will show that Mrs. Anderson was in bad shape. You don't climb in bed to make plots against the Government.

The Court: That is a matter of argument.

Mr. Robertson: It is a matter of veracity.

The Court: I don't think so. The jury is in-

(Testimony of Miss Miller.)

structed to disregard all the conversation about this matter from both sides.

Mr. Robertson: We will take an exception.

Q. Miss Miller, at the time you claim this settlement was made between you and Mrs. Anderson, during the period from about between the latter part of January and early February, 1942, and March, 1942, when you left, was there any receipt passed? A. Oh, no.

Q. No receipt of any kind? A. No.

Q. Not a scratch of a pen of writing?

A. No.

Mr. Robertson: I think that is all.

Re-direct Examination

By Mr. Tollefsen:

Q. You were asked if it was not true that you left Sitka in [55] March, 1942, because on your arrival you discovered this house Maude Anderson was going to build was not built. Did you know before you came back to Sitka in January, 1942, that the house had not been built?

A. I knew it when I was in Los Angeles.

The Court: What was the answer?

Court Reporter: "I knew it when I was in Los Angeles."

Q. Prior to your return you knew this house was not built? A. Oh, yes.

Q. You were asked whether the two girls, Diana Crawford and Maxine, were going on the plane

(Testimony of Miss Miller.)

to Sitka. I will ask you what arrangement you made with them in Sitka for them to go to Sitka—in Seattle?

Mr. Robertson: We object on the grounds that it is incompetent, immaterial, irrelevant and not binding on the defendant, and it is not in proof of the accusation against the defendant.

The Court: The Court has already ruled on that. It sounds to me like repetition.

Mr. Robertson: We would like an exception.

Mr. Tollefsen: It might be a repetition but it is to clear up a question on cross examination.

Q. I will ask you what arrangement you made with Diana Crawford and Maxine in Seattle for their transportation to Sitka?

A. I made——

Mr. Robertson: We ask to be allowed the same exception.

A. I made arrangements for them to go by plane.

Q. And how much money did you advance to them?

A. I gave one 140 some dollars, and the other 120 some.

Mr. Tollefsen: You may cross examine. [56]

Re-cross Examination

By Mr. Robertson:

Q. I suppose you gave that to them in bills, currency I mean?

(Testimony of Miss Miller.)

A. In bills, yes, in currency.

Q. You took that from your own money?

A. Yes.

Q. You actually, of your own personal knowledge, don't know what those girls did with that money, do you?

A. They went back with me and I stayed in the car while they went in to get their tickets.

Q. Where?

A. The tickets—wherever they got them. I am not very well acquainted in Seattle.

Q. You didn't go in yourself at all?

A. No.

Q. You went up to the Pan American Airways Ticket Office, and did you in?

A. I didn't go in. I sat in the car.

Q. Was it the Pan American Airways?

A. It was an Airways. I don't know whether it was Pan American.

Q. You don't actually know what they did inside the office, do you? A. I do not know.

Mr. Robertson: That is all.

Mr. Tollefsen: That is all.

(Witness excused)

(Whereupon the Jury was duly admonished and Court recessed until 2:00 o'clock P. M., April 5, 1945, reconvening as per recess, with all parties present as heretofore and the Jury in the box; whereupon the trial proceeded as follows:) [57]

(Testimony of Miss Miller.)

Mr. Robertson: If the Court please, I would like the privilege of calling Miss Miller for one question.

The Court: You may call her.

(Whereupon the witness Miller resumed the witness stand.)

Q. (By Mr. Robertson): Miss Miller, this morning both Mr. Tollefsen and I asked you about your having been charged and having plead guilty to a charge of violation of the White Slave or Mann Act, the White Slave Act. I will ask you whether or not what you plead guilty to was the indictment in this suit, #2371-B, where you plead guilty?

A. I don't know the number. I plead guilty to two counts I was charged with.

Q. Is that it (showing File #2371-B to the witness)?

A. Yes.

Q. That is the suit, is it?

A. It is only two counts. I plead guilty to both.

Mr. Tollefsen: The Government will stipulate that this is the suit, the particular action.

Mr. Robertson: That is all, your Honor.

Mr. Tollefsen: That is all.

(Witness excused)

Mr. Robertson: I would like to make a motion, I won't argue it, to strike all of Miss Miller's testimony, and before I state the grounds, if the Court please, I feel the Jury should be excused before I state the grounds of the motion.

The Court: Very well, the Jury will be excused until called. [58]

(Whereupon the Court admonished the Jury, and the Jury retired to the Jury Room.)

Mr. Robertson: Now, I will make a motion, your Honor, to strike all of Miss Miller's testimony relative to what she did in Ketchikan and what arrangements—I mean in Seattle—and what arrangements and transactions and dealings she had with Jean La Rue, or Jean Bowman, as well as the two other women she named, because the only theory upon which her evidence would be admissible would be if she were an agent of a principal, the defendant, and there is no proof nor admission in this case that Mrs. Anderson was her principal, except the allegations of Miss Miller herself, and under the law—I think it is the law—that proof of an agent's acts are not admissible unless there is such admitted principal and agency, or proof established by someone else than declared agent's own testimony, and the Government in offering this evidence made no statement to the Court that it was offered subject to being later tied up or made good. I now move to strike all her evidence upon that ground, your Honor.

The Court (to Mr. Tollefsen): Do you care to be heard?

Mr. Tollefsen: Well, the theory upon which this evidence is offered is that it is the testimony of an accomplice to the crime. Under the Alaska Code such testimony is admissible. Provided it is

admissible, it must later be shown by independent evidence that defendant is connected with the crime. We are not obligated to put on such evidence first, as long as we get some evidence during the course of the trial.

The Court: Is it your theory of the case that the witness [59] Miller is an accomplice or that she acted as agent?

Mr. Tollefsen: It is the Government's theory that she is an accomplice and—well, I wouldn't say necessarily an agency. It is a case of two people in concert, one doing the act, one an accomplice of the first. I don't know whether to define that legally as an agency. That is the Government's theory of it, however.

The Court: Well, in any event, I think the motion is ill-timed. I don't think we have reached a point in the trial of this case where a motion of this kind can be passed on intelligently. The motion will be denied.

Mr. Robertson: We take an exception, but assume your decision is made subject that I may reserve the right to make a motion again, if I find it has not been tied up.

The Court: Yes. Call the Jury.

(Whereupon the Jury returned to the Jury Box.)

The Court: Defendant's motion to strike the testimony of the witness Miller has been denied at this time. Call the next witness.

OLIVER T. MANSFIELD,

called as a witness on behalf of the Government,
being first duly sworn, testified as follows:

Direct Examination

By Mr. Tollefsen:

Q. Will you state your name please?

A. Oliver T. Mansfield.

Q. What is your official position, if any?

A. I am a Special Agent of the Federal Bureau
of Investigation. [60]

Q. Are you acquainted with the defendant
Maude Anderson? A. Yes.

Q. And did you have occasion to be present
when she was arrested on the charges on which
she is being tried today? A. I was.

Q. About when was that?

A. That was October—I mean, August 31, 1944.

Q. At that time were you a Special Agent of
the Federal Bureau of Investigation?

A. I was.

Q. Where did the arrest take place, Mr. Mans-
field?

A. Mrs. Anderson was arrested by the United
States Deputy Marshal Mr. Whitmore in Sitka, at
a house in Sitka, or within the city limits or close
to the city limits. I am not sure of the exact
street, but she was apparently living there at the
time.

Q. You say Mr. Whitmore made the arrest?

A. Yes.

(Testimony of Oliver T. Mansfield.)

Q. Who was with him?

A. I was, and Mr. Anderson.

Q. What, if anything, took place at the time of this arrest?

A. At the time of the arrest, incidental to the arrest a search was made of the premises in which she lived for any evidence that might be connected with this particular case.

Q. Did you ask the consent of the defendant to make that search? A. Yes.

Q. Did she give her consent? A. She did.

Q. Did you at that time make a search of this house in which she was living? A. Yes, I did.

Q. Tell the Jury what, if anything, you found in that search.

A. I was accompanied by Mr. Whitmore and Mr. Anderson. The three of us conducted a search of the premises in which Mrs. Anderson was living at the time she was arrested. At the time of the search various personal papers, or whatever appeared to be personal papers, numerous letters and correspondence of Mrs. Anderson's, or at least correspondence addressed to her, were gone through at the time. In a neighboring room to the room in which she was when arrested, just off what apparently was a sitting room in the house, in a bedstand or a small chest of drawers adjacent to the head of a bed, among other correspondence addressed to her and in a Valentine box, was located a telegram.

Q. At this point I will show you Plaintiff's

(Testimony of Oliver T. Mansfield.)

Exhibit A for Identification, and ask you whether or not this is the telegram you found?

A. Yes, this is the telegram I found.

Q. In whose possession has that been since you wound it? A. In the possession of our office.

Mr. Tollefsen: I would like to offer this telegram in evidence.

The Court: It will be received.

Mr. Robertson: We object to the admission of the telegram on the grounds that it is not binding on the defendant; it is incompetent, immaterial and there is no proof or any indication of any request for the telegram, or no proof what the telegram might be referring to, and no basis——

The Court: I think there is.

Mr. Robertson: Our contention is that anybody can send [62] a telegram.

The Court: It will be received.

Mr. Robertson: We take an exception.

(Said telegram which was marked Government's Exhibit Number "A" for Identification was admitted and marked Government's Exhibit Number "1" in Evidence.)

Q. Handing you what is now Plaintiff's Exhibit Number "1", I will ask you to read it to the Jury.

A. The telegram is on paper which bears the letterhead "Alaska Communication System, Signal Corps, United States Army." There is a short statement of "Received at 26 WXA B 14 WU." It reads "Seattle Wash Nov. 29 1941 503AM Maude Anderson Lakeview Cottage Sitka Air Mail two

(Testimony of Oliver T. Mansfield.)

dresses today send coat on North Coast"—the "r" in North Coast is typed over anyother symbol. "Need the three badly." Then what appears to be the signature "Marg." There is "922AM" and marks stamped on "Received in evidence, Exhibit No. 1".

Q. You don't need to read that.

The Court: I suggest you show it to the Jury. That is the proper way to do it.

(Whereupon Government's Exhibit Number "1" in Evidence was shown to the Jury.)

Q. You say you found the telegram in a bed-stand or a chest of drawers? A. Yes.

Q. What other items or articles did you find?

A. I mentioned it was among other letters and papers that were there.

Q. To whom were the letters and correspondence addressed? [63]

A. To Mrs. A. M. or Mrs. Maude Anderson.

Mr. Tollefsen: You may Cross Examine.

Cross Examination

By Mr. Robertson:

Q. Mr. Mansfield, when did the Marshal arrest Mrs. Anderson on that occasion?

A. It was approximately four to five o'clock in the afternoon.

Q. When was the search made?

A. After the arrest was made.

Q. In other words, she was under arrest and

(Testimony of Oliver T. Mansfield.)

in the custody of the Marshal when the search was made?

A. The warrant had been read to her; yes, sir.

Q. Did I understand you to say she gave her consent to the search? A. Yes, that is correct.

Q. She gave her consent after she was arrested?

A. Yes, she gave oral consent after she was arrested.

Q. Did she give any other consent?

A. She confirmed her oral consent by giving written consent.

Q. Also after she was arrested?

A. Yes, that is correct.

Q. Did you show the telegram to her at that time?

A. I showed the telegram to her at that time, yes. I showed it to her—if you care to have an explanation—I showed it to her in my hand with other papers which appeared to be possibly relevant.

Q. What did you do with the other papers?

A. The other papers are still in the possession of our office.

Mr. Robertson: That is all. [64]

Mr. Tollefsen: That is all.

(Witness Excused.)

MRS. ELVIRA CAVENDER,

called as a witness on behalf of the Government,
being first duly sworn, testified as follows:

Direct Examination

By Mr. Tollefsen:

Q. Will you state your name please?

A. Mrs. Elvira Cavender.

Q. Where do you live?

A. Hattiesburg, Mississippi.

Q. Are you acquainted with the defendant
Maude Anderson? A. Yes, I am.

Q. When and where did you become acquainted
with her? A. In Sitka.

Q. About when was that? A. 1941.

Q. How did you happen to become acquainted
with her?

A. Well, I came up there to work in her house.

Q. In what capacity did you work in her house?

A. I come in there to work for her.

Q. Did you work there as a prostitute?

A. Yes, I did.

Q. How long did you stay there?

A. I stayed there from April 16, 1941, till
March 13, 1943.

Q. 1943?

A. Yes. Let me see, I think it was a period of
eleven or twelve months to be exact—not much
longer than that. [65]

Q. Are you definite about the date you started?

A. Yes. April 16, 1941.

(Testimony of Mrs. Elvira Cavender.)

Q. You departed in March, 1942?

A. Yes, that would be right. I didn't stay longer than twelve months.

Q. During that time you were working as a prostitute in Maude Anderson's house?

A. Yes.

Q. What sort of financial arrangements were made by you with Mrs. Anderson while you were working there?

Mr. Monagle: We object on the grounds that it is incompetent, immaterial and irrelevant. The defendant is not accused of bringing this witness to Sitka, as I understand it.

The Court: She may answer.

Mr. Monagle: We take an exception.

Mr. Tollefsen: Read the question please.

Court Reporter: "What sort of financial arrangements were made by you with Mrs. Anderson while you were working there?"

A. What do you mean? Do you mean was that my transportation up there?

Q. I am referring to how much you paid for staying there or how much you were paid for working.

A. I paid room and board by the day, and of course there was a certain amount to be given her from each working. A certain amount is taken out of the money we made throughout the day. A certain amount is given to the landlady and we were allowed to keep the rest, and we paid room and board by the day.

(Testimony of Mrs. Elvira Cavender.)

Q. During the time you were there in Maude Anderson's house, what [66] name did you use?

A. Jackie Lugo.

The Court: What? How do you spell it?

A. Jackie L-u-g-o.

Q. Were you living in Maude Anderson's house during the month of November, 1941?

A. Yes.

Q. Were you practicing as a prostitute during that month? A. Yes.

Q. Are you acquainted with Margie Miller?

A. Yes, I am.

Q. Did she ever work at Maude's while you were there? A. Yes, she did.

Q. Do you recall Margie going Outside during 1941?

A. Yes, I do. I remember that very well.

Q. Do you know about when it was she went south?

A. Around the holidays. Towards Thanksgiving and those holidays.

Q. And prior to the time she departed did you hear any discussion between her and the defendant Maude Anderson regarding the procurement of additional prostitutes for this house? A. Yes.

Q. State when and where the discussion was that you heard?

A. I don't know the exact day but it was during the day sometime. I went in there for some change. I was only in there for a matter of not more than two minutes. I heard Maude talking to Margie Miller as to how——

(Testimony of Mrs. Elvira Cavender.)

Q. Just a minute. Where was this conversation?

A. In Maude's bedroom, in her private bedroom.

Q. In the house at Sitka?

A. Yes, in that house at that time. [67]

Q. Who else was present at the discussion that took place?

A. Maude Anderson, Margie Miller, and myself.

Q. Tell the Jury what was said that you overheard.

A. I happened to go in for a few minutes so I would be able to make change. Maude was telling Margie how she would send the telegram or letter, whichever she was supposed to do. It was supposed to be sent in the form of a code. It was clothing, some kind of clothing. I don't remember—coats or dresses. By the code it was in the form of clothing, and Margie was to send Maude in the form of a telegram.

Q. To what were they referring when they were talking about this code?

A. Well, it meant girls to bring up to Sitka.

Mr. Robertson: We object on the grounds that it is incompetent, and immaterial what was meant. I move to strike——

The Court: She can tell what was meant, if she knows.

Mr. Robertson: The objection is to what they meant. She didn't say what they said in the meantime. I move the answer be stricken.

The Court: I think it is responsive to the question. What did they mean?

(Testimony of Mrs. Elvira Cavender.)

Mr. Tollefsen: I will restate the question.

Mr. Robertson: The answer would be mere conjecture on the part of the witness.

The Court: It wouldn't be, if she knew.

Mr. Robertson: She didn't testify if she knew.

The Court: That is what she was asked.

Mr. Robertson: I still object. We take an exception.

The Court: Go ahead with the examination.

Q. Do you know what was meant when they were talking about the code? [68] A. Yes.

Q. What did they say?

A. It was girls. I heard the word "girls" mentioned. I heard it.

Q. Do you recall anything else that was said there or what the discussion was at the time?

A. No. Just about the exchange of what the telegram was supposed to be about clothes and the girls.

Q. Was anything said about when it should be sent?

A. I didn't hear the time when it should be sent. No, I didn't.

Q. At any time in your hearing, at this particular time and place, did Maude ask Margie to procure any girls for her?

A. To me it looked that way.

The Court: Never mind that—just state what was said.

Q. Did she say anything about Margie getting her girls in Seattle that you overheard?

(Testimony of Mrs. Elvira Cavender.)

A. Well, I didn't hear where she would get girls, but I heard that she would get girls and let her know through the wire in the form of clothes.

Q. Do you know a girl named Jean La Rue?

A. Yes, I do.

Q. When and where did you meet her?

A. I met her in Maude's house while I was working there.

Q. Do you know about when that was?

A. She arrived around Thanksgiving.

Q. Before or after Margie Miller had gone south?

A. After Margie Miller had gone south.

Q. What did this Jean La Rue do after she arrived in Sitka?

A. She went and had her examination, which is the general rule of those houses, and come right back to work.

Q. Did she work as a prostitute in Maude Anderson's house? [69]

A. Yes, she did.

Q. How long did she stay there in Maude Anderson's house?

A. She stayed there—I wouldn't know exactly—not longer than two months.

The Court: What?

A. Not longer than two months.

The Court: Did she go to work there, as soon as she arrived, for Mrs. Anderson?

A. Yes, she did.

The Court: As a prostitute?

A. Yes.

(Testimony of Mrs. Elvira Cavender.)

Cross Examination

By Mr. Robertson:

Q. Did you say two months or two weeks?

A. Two months.

Q. Not longer than two months?

A. Not longer than two months.

Q. Where do you live now?

A. Hattiesburg, Mississippi.

Q. You went south in March, 1942, didn't you?

A. I went south June 8, 1944.

Q. When you left Sitka, you left in March, 1942?

A. I left Sitka on June 8, 1944, which is only last year.

Q. I thought you told Mr. Tollefsen you were in Sitka altogether eleven or twelve months; you first arrived in April, 1941, and left in March, 1942?

A. That was the date when I left Maude's house to go work for Ruby Hazelwood. [70]

Q. That was when you moved your place of business over there?

A. I moved from Maude's house to Ruby's house at that time.

Q. You continued doing the business of prostitution until 1944? A. Yes, I did.

Q. And that was about the time you went to Ruby's house, about the same time Margie left Sitka for good, didn't you?

A. Yes, I believe it was. I couldn't say for sure though.

(Testimony of Mrs. Elvira Cavender.)

Q. Now, you remember quite distinctly when Margie went south in November, 1941?

A. Yes, I remember.

Q. Right up to the day that Margie left Sitka on that occasion, where did she live over in Sitka?

A. Margie—when I was working for Maude—she was working there too in Maude's house.

Q. All the time? A. Yes.

Q. Don't you remember, as a matter of fact, that Margie left this house of prostitution and had her own little house, her home, where she didn't work as a prostitute for a week or more before she went south in November?

A. I only remember her working in Maude's house while I was there.

Q. How long prior to Thanksgiving do you claim hearing this conversation?

A. Shortly before Margie went south, I am sure.

Q. Shortly—a day or an hour?

A. I couldn't say that. I said before, and answered the District Attorney, that I don't know the exact date.

Q. You were in Maude's private bedroom for about two minutes? A. That is right.

Q. Did Margie try to conceal or hide from you what she and Maude [71] were talking about at that time?

A. I don't remember. I heard the conversation and went right out.

Q. You were getting change from somebody?

(Testimony of Mrs. Elvira Cavender.)

A. Yes.

Q. Who? A. Maude.

Q. They talked on while Maude made change for you? A. Yes.

Q. You didn't hear any other talk about Margie getting some girls, between Maude and Margie, except on that occasion?

A. That is the only time.

Q. Where was Maude at that time in the bedroom?

A. She was sitting down in a chair.

Q. Did you see any code written out at that time? A. No, I didn't.

Q. Now then, you say Jean La Rue worked there in this house, the same house where you were working, was it? A. Yes.

Q. For about two months?

A. Yes, I said not longer than two months.

Q. Then she left? A. Yes.

Q. Where did she go?

A. To Ruby's house.

Q. The same house you went to the following March? Is that right? A. Yes, that is right.

Q. Did you have any correspondence with Margie while Margie was down south?

A. No, I didn't.

Q. Did you know that Margie's home address was down in Los Angeles? [72]

A. When she was down south which time do you mean?

Q. This occasion when she was away from Sitka

(Testimony of Mrs. Elvira Cavender.)

from November, 1941, up until the latter part of January or early February.

A. I didn't have any correspondence with her.

Q. You knew her Los Angeles address though?

A. I don't know her Los Angeles address.

Q. You never knew it? A. No, I didn't.

Q. How long have you known Margie Miller?

A. I have known her for quite a long time.

Q. How many years?

A. Well, I met her in Los Angeles.

Q. In her home in Los Angeles? A. No.

Q. Where did you meet her?

A. In a house of prostitution.

Q. You know her sister too? A. Yes.

Q. She takes care of your child?

A. She did at that time.

Q. You and Margie are pretty close friends, aren't you?

A. Yes. Not too close. I don't correspond with her regularly as I did with her sister, because her sister was taking care of my child.

Q. Is she the one who persuaded you to come up as a witness in this case? Did Margie persuade you to become a witness in this case? A. No.

Q. You paid room and board. This money you paid when you were working there in Maude Anderson's house, you actually paid [73] to Margie?

A. For room and board?

Q. Yes. A. I should say not—to Maude.

Q. Wasn't Margie running it?

A. Maude was running it then.

(Testimony of Mrs. Elvira Cavender.)

Q. Margie didn't collect?

A. She was working as one of the prostitutes.

Q. She was not running it? When did she run it? A. I don't remember.

Q. Before that, was it?

A. While I was working in Maude's house, when I first came up, she was working as one of the girls.

Q. Who? A. Margie Miller.

Q. Before she left in November, 1941, she wasn't living in that house at all? A. I don't know.

Q. You don't recall? A. I don't recall.

Q. Before that, November, 1941, you and the other girls were paying the money to her and not Maude Anderson, weren't you?

A. I was paying my room and board money to Maude Anderson.

Q. You are positive of that?

A. Yes, I am.

Q. I think that is all. Who originally brought you to Alaska?

Mr. Tollefsen: We object to that as being immaterial.

The Court: Yes, that is going too far afield.

Mr. Robertson: It is material if it shows that the Government witness brought her up. [74]

Mr. Jernberg: We object to that in front of the Jury.

Mr. Robertson: If it is that, it is certainly material.

The Court: I don't see how it is material in

(Testimony of Mrs. Elvira Cavender.)

any respect. She is not on trial. We are not going off on any fishing expedition like that.

Re-direct Examination

By Mr. Tollefsen:

Q. Mrs. Cavender, why did you come here to testify?

A. Why? Because I had truth to tell.

Q. Who asked you to come to testify?

A. I was subpoenaed by the Government.

Q. You came in answer to that subpoena, didn't you?

A. Yes, I did.

Mr. Tollefsen: That is all.

Re-cross Examination

By Mr. Robertson:

Q. I would like to ask a question, Jackie. At the time that Margie left for the States about Thanksgiving, 1941, did you know before she left that she intended upon her return to establish her own house of prostitution in Sitka?

A. Yes, I believe that Maude was supposed to let her have a house.

Q. Did you know she was going to the States to buy furniture for that house?

A. No, I don't know that.

Q. Do you know that the furniture came to her in Sitka after she left Sitka in November, 1941, and before she got back? [75]

A. I don't recall that.

Mr. Robertson: That is all.

Mr. Tollefsen: That is all.

(Witness excused.)

GLORIA VIRGINIA KNAPP BOWMAN,

called as a witness on behalf of the Government,
being first duly sworn, testified as follows:

Direct Examination

By Mr. Tollefsen:

Q. Will you state your name, please?

A. Gloria Virginia Knapp Bowman.

Q. Where do you live?

A. 8503½ Aurora Avenue, Seattle, Washington.

Q. How old are you? A. Twenty-one.

Q. Are you acquainted with Maude Anderson?

A. I am.

Q. Are you acquainted with Margie Miller?

A. Yes.

Q. Tell the Jury about the time and place and
the circumstances under which you first met Margie
Miller.

A. I met her the latter part of November, 1941.

Q. Where?

A. At the Atwood Hotel, through Billy Day.

Q. In what city is that? A. Seattle.

Q. What were the circumstances under which
you met her?

Mr. Robertson: We object on the ground that it
is incompetent, [76] irrelevant and immaterial, and
not binding on the defendant.

The Court: She may answer.

Mr. Robertson: Exception.

A. Well, I was brought to the hotel by Billy Day
and she was there.

Q. What transpired at that time?

(Testimony of Gloria Virginia Knapp Bowman.)

A. She asked me if I wanted to go to Alaska.

Mr. Robertson: I will renew my objection on the grounds that it is incompetent, immaterial and irrelevant, and transpired in the absence of the defendant.

The Court: Answer the question.

Mr. Robertson: Exception.

A. She gave me \$70.00, and I bought a ticket on the North Coast to Sitka, Alaska, and left the next day for Sitka.

Q. What were you going to Sitka for?

A. To work in a house of prostitution.

Q. Any particular house?

A. Yes. Maude Anderson's.

Q. Did you actually go on the North Coast?

A. Yes, I did.

Q. Did you actually go to Sitka, Alaska?

A. I did.

Q. What name did you travel under on this trip?

A. Jean La Rue.

Q. When did you arrive in Sitka, do you recall?

A. No, I don't recall the exact date, but it was the latter part of November—almost December.

Q. What year? A. 1941. [77]

The Court: "Almost" what?

A. Almost—I was there by December of 1941.

Q. Upon your arrival in Sitka what did you do?

A. I went directly to Maude Anderson's.

Q. How did you find the place?

A. The cab driver took me there.

Q. What happened when you arrived at Maude Anderson's.

(Testimony of Gloria Virginia Knapp Bowman.)

A. I went in the door, and she said, "Are you the girl from the States?" I said, "Yes," and she showed me my room and sent me down to the doctor's.

Q. This room you occupied—was there anything unusual about that room?

A. It was a new room.

Q. Was anything said about whether she was expecting you? A. Expecting me?

Q. Yes.

A. She said was I the new girl from the States. That would sound like she was expecting me.

Q. What did you mean—"a new room?"

A. Newly built. It was newer than the rest of the house.

Q. You say you went down to the doctor at her direction? A. Yes.

Q. What happened at the doctor's.

A. I had an examination.

Q. What did you do subsequent to that?

A. I went to the Police Station and registered with them.

Q. By whose instructions did you go to the Police Station? A. By Maude Anderson's.

Q. What did you do subsequent to that, after going to the Police Station? [78]

A. I went back to Maude Anderson's place.

Q. All that occurred on the same day you arrived in Sitka? A. Yes.

Q. After you returned to Maude Anderson's from the doctor's and the Police Department, what did you do? A. I went to work.

(Testimony of Gloria Virginia Knapp Bowman.)

Q. You "went to work." What do you mean by that? A. I don't know—prostitution.

Q. Did you work as a prostitute in the house of Maude Anderson's? A. Yes.

Q. How long did you stay there?

A. A month. Just a little over maybe.

Q. During the time you were there what name did you use? A. Jean La Rue.

Q. How old were you at the time you arrived in Sitka? A. I was seventeen.

Q. What financial arrangement was there between you and Maude, if any, during the time you practiced prostitution in her house?

Mr. Robertson: We object on the grounds that it is incompetent, immaterial and irrelevant, and not proof of the charge.

The Court: Answer the question.

Mr. Robertson: Exception.

A. Down in Seattle I received \$70.00 or close to it from Margie Miller and I was supposed to pay Maude Anderson.

Mr. Robertson: We object.

The Court: That is not responsive.

Q. What financial arrangements were there with regard to your working for Maude?

A. Two dollars a day for board and room, and a third of what I made. [79]

Q. To whom did you pay those amounts?

A. Maude.

Q. And how long did you say you stayed there at Maude's house? A. A little over a month.

Q. Where did you go from there?

(Testimony of Gloria Virginia Knapp Bowman.)

A. Down to Ruby's. I don't know her last name.

Q. At any time did Maude ever mention the money advanced to you for transportation?

A. Yes.

Q. When and where was that?

A. Before I left.

Q. About when?

A. Close to the time before I left her.

Q. When did you say? Before you left her house or Sitka? A. Before I left her house.

Q. Around about that time? A. Yes.

Q. And what was it she said about this money?

A. She just wanted me to pay her the money back.

Q. At the time Maude requested you to pay this money to her, which was advanced for transportation, was Margie Miller back in Sitka at that time? A. No.

Q. Was she back since the time you arrived?

A. No.

Q. When, if ever, did you leave Sitka?

A. I left Sitka the 16th or 17th day of February in 1942.

Q. Have you ever returned since then?

A. I have not.

Q. Have you ever practiced prostitution since that time? [80] A. I have not.

Mr. Tollefsen: You may Cross-Examine.

(Testimony of Gloria Virginia Knapp Bowman.)

Cross-Examination

By Mr. Robertson:

Q. Now, Jean, you say you left February 17, 1942, and ceased the occupation of prostitution?

A. Yes, I did.

Q. But when you moved from Maude Anderson's house down to Ruby Hazelwood's it was not because you were ceasing that business, was it?

A. No. I moved down there on the first of January.

Q. In other words, you were just——

Mr. Tollefsen: We object——

Mr. Robertson: If the Court please, I have a right to find out whether something happened, if her leaving Maude Anderson's was for something she did.

Mr. Tollefsen: In other words, you mean this——

The Court: Reframe your question.

Q. You say you were seventeen years old when you arrived there in December, 1941. Is that correct?

A. That is correct.

Q. What age did you give to the police when you registered there?

A. Twenty-one or twenty-two. I am not sure.

Q. Didn't you tell the police at that time that you were twenty-four years of age?

A. Perhaps I did. I don't remember exactly.

Q. You voluntarily concealed your age, did you not?

A. Yes. [81]

(Testimony of Gloria Virginia Knapp Bowman.)

Q. This Billy Day took you up to Margie's, is that correct? A. That is right.

Q. Who is Billy Day?

A. Just a fellow. I don't know.

Q. Some man down there? A. Yes.

Q. You went up to Margie's one afternoon in the Atwood Hotel in Seattle?

A. That is right.

Q. You left on the North Coast how soon after that? A. The next morning.

Q. Did you have to a travel permit at that time? A. No.

Q. What did you do about your children?

A. I have no children.

Q. Didn't you tell the police in Sitka when you registered that you had two children?

A. I don't recall that.

Q. But you don't have children?

A. I never had any children.

Q. You worked in this house, Maude Anderson's house, for about a month; is that right?

A. Yes.

Q. You had a taxi-man who took you right up to that house the minute you got off the North Sea?

A. That is right—the North Coast.

Q. Who admitted you to the house?

A. I don't remember.

Q. It wasn't Mrs. Anderson?

A. I don't know. I think it was. I couldn't tell you. [82]

Q. Isn't it a fact, Jean, you didn't see Mrs. An-

(Testimony of Gloria Virginia Knapp Bowman.)
derson that day until after you got in the house and got in her private bedroom?

A. You're wrong. Fifteen minutes after I came there——

Q. Where? A. In her bedroom.

Q. Her private bedroom? A. Yes.

Q. Did she say anything at that time about your repaying the \$70.00?

A. Not at that time.

Q. The first time she spoke about the \$70.00 was when you told her or gave an indication that you were going to move to Ruby's house?

A. That is right.

Q. That is the time you claim that Mrs. Anderson asked you to repay the \$70.00 Margie Miller gave you down south? A. Yes.

Q. Did you have any correspondence with Margie Miller in the meantime? A. No.

Q. Had you heard from her in any way?

A. I did not.

Q. You didn't pay any money back to Mrs. Anderson, did you?

A. I paid no money to Mrs. Anderson.

Q. And you never have?

A. Except just the third of what I made.

Q. Did that include any of the money which paid your way from Seattle to Sitka?

A. No. [83]

Q. Did you pay Margie back?

A. Most of it.

Q. When?

A. When I was working in the Middle House.

(Testimony of Gloria Virginia Knapp Bowman.)

Q. What is that?

A. That is all I ever called it.

Q. You said you worked in what you call Maude Anderson's and Ruby's, and another one?

A. Yes, the Middle House. There were three.

Q. When did you work there?

A. I worked there—when I got married I quit work—that was after I left Ruby's.

Q. Since you left Sitka definitely in 1942—right afterward, you mean—sometime in February, 1942?

A. When I was working in the Middle House?

Q. Yes. A. Yes.

Q. Do you know when Margie returned from Seattle to Sitka from that trip?

A. I don't recall the date.

Q. Shortly after her return from that trip did you make refund to her?

A. Yes, in a matter of a few days.

Q. And you paid part of it back? A. Yes.

Q. You still owe her, Margie Miller, part of the money, do you? A. Yes, I do.

Q. Did Margie tell you down there—how long did you talk to Margie in the Atwood Hotel when Billy Day had taken you there?

A. Not more than half an hour. [84]

Q. Did she tell you at that time that a new house was being built for her in Sitka? A. No.

Q. She didn't mention it at all?

A. She didn't mention it at all.

Q. Did she tell you she wanted you to work for her? A. No.

(Testimony of Gloria Virginia Knapp Bowman.)

Q. You never heard anything of that kind there? A. No.

Q. When Billy Day was taking you up there, did he tell you you were going to meet Margie?

A. No, he didn't tell me until we arrived there.

Q. Where were you living in Seattle?

A. I was living with my mother.

Q. Billy Day came to your mother's house to get you to become a prostitute? A. Yes.

Q. Wasn't it after you reached Sitka and Mrs. Anderson's that you first determined to become a prostitute? A. No.

Q. You went from Seattle to Sitka to become a prostitute? A. That is right.

Q. Nothing whatever Mrs. Anderson might have said induced you to become a prostitute, did it?

A. No.

Q. At the time you were talking, when Billy Day took you to Margie Miller's, in her room at the Atwood Hotel, who else was in the room besides Margie Miller and Billy Day and yourself?

A. No one. [85]

Q. No one? A. Just the three of us.

Q. At any time while you were there?

A. No.

Q. After you reached Sitka, I will ask you if you didn't tell the police that you had two children?

A. I don't recall saying that.

Q. Didn't you tell the police that you had twins, but one or both of them lost their lives in a fire in Seattle? A. I don't recall saying it.

Q. Did you tell Lulu Coleman or Violet Roland

(Testimony of Gloria Virginia Knapp Bowman.)
that you had children, twins, and one or both of them lost their lives in a fire in Seattle?

Mr. Tollefsen: We object.

The Court: The objection is well taken. That has no pertinency to this case, even if she had forty children.

Mr. Robertson: I think that is all, your Honor.

Mr. Tollefsen: That is all.

(Witness excused.)

HENRY GREEN,

called as a witness on behalf of the Government,
being first duly sworn, testified as follows:

Direct Examination

By Mr. Tollefsen:

Q. Will you state your name, please?

A. Henry Green.

Q. What is your occupation?

A. Agent for the Northland Transportation Company. [86]

Q. Were you an agent for the Northland Transportation Company in December, 1941?

A. I was.

Q. Handing you this paper, I will ask you if you have ever seen that before?

A. Yes, I have.

Q. Is that part of the official records of your Company in Juneau? A. It is.

(Testimony of Henry Green.)

Q. I will ask you if that is not a passenger manifest of the Steamship North Coast, Voyage 68 North? A. Yes.

Q. Is that what it is, Mr. Green? A. Yes.

Mr. Tollefsen: At this time I would like to offer this passenger manifest into evidence.

Mr. Robertson: I would like to know what the purpose of it is.

Mr. Tollefsen: If you want me to make a statement—I offer to prove by this manifest that one, Miss Jean LaRue traveled on the Steamship North Coast on Voyage 68 North from Seattle to Sitka on the trip which arrived in Juneau the 3rd of December, 1941.

Mr. Robertson: If the Court please, had Miss La Rue so testified, but I believe this manifest, unless Mr. Green can testify personally, the manifest isn't truth of—

Mr. Tollefsen: It is evidence of the fact that if it is an official record of the Company.

The Court: He has already testified it is part of the official record of the Company.

Mr. Tollefsen: I offer this document into evidence. [87]

Mr. Robertson: We object. It shows on the face of it that it is a carbon copy. We object to its introduction.

Mr. Tollefsen: I don't believe—if it part of the official record of the Company, it don't matter.

The Court: I don't see any particular reason for it. There is no dispute of her testimony that

(Testimony of Henry Green.)

she arrived the first of December. It isn't material whether——

Mr. Tollefsen: We considered it necessary to corroborate her testimony.

The Court: It will be received for whatever it is worth.

Mr. Robertson: We take an exception, if it may please the Court.

(Whereupon said passenger manifest was admitted and marked Government's Exhibit Number "2" in Evidence, and reads as follows:)

GOVERNMENT'S EXHIBIT No. 2

SS North Coast V-68-N

Arriving Juneau 12/3/41

For Juneau: Miss Eunice Hanson, Mrs. Everett Wrede, Baby Wrede, Mrs. Grace Purdue, Mrs. Alex Zidio, Mr. E. F. Herr, Mrs. E. F. Herr, Mr. E. J. Hesse, Mrs. C. F. Wyller, Mstr. Fred Wyller, Miss Eliz. Wyller, Mrs. M. F. Benedict, Mr. M. F. Benedict, Miss Marilyn Benedict, Mr. Wm. Risse, Mrs. Wm. Risse, Mr. Mack Mori, Mr. Andy Day, Mr. Leonard Taylor, Mr. A. Van Mavern, Mr. W. J. Atkinson, Mr. R. J. Lane, Mr. Chas. Wright.

For Sitka: Mr. Frank D. Gibbons, Mrs. Frank D. Gibbons, Mr. Harold Gibbons, Miss G. Martin, Mrs. James Sherman, Mrs. J. J. Culbert, Miss Jean LaRue, Mrs. Robert LaJoie, Mr. C. A. Sanderson, Mrs. C. A. Sanderson, Mr. B. Brunk, Mr. Jack A. McClung, Mr. Pat O'Donnell, Mr. Walter O. Kraft,

(Testimony of Henry Green.)

Mr. James L. Shults, Mr. James L. Suddath, Mr. Ray R. Enlow, Mr. Lee Nyhagen, Mr. Al Kennedy, Mr. Al Pedersen, Mr. R. A. Evenson, Mr. Ernest Bennett, Mrs. Ernest Bennett, [88] Mrs. Patricia Craig, Mrs. Billy Martin, Mrs. Ethel Edwards, Miss L. M. Mills, Mr. Neill Andersen, Mrs. Neill Andersen, Miss Thelma Diimell, Mrs. R. A. Dimmell, Mr. Lloyd Norton, Mr. Elton Diimmell, Mr. Lester Hobert, Mrs. Lester Hobert, Mr. D. L. Polwert, Mr. Vern L. Freeman, Mr. Nels Drugg, Mr. Wm. G. Harsein, Mr. Roy Harsin, Mr. Owen Rye, Mr. Gilbert Tonge, Mr. R. Westover, Mrs. R. Westover, Mr. Frank Perez, Mr. C. E. Peck, Mrs. C. E. Peck, Miss Johanna Peck, Mr. Cyrus Peck, Mrs. H. Wagner, Miss Francene Wagner, Mr. J. V. Boldrick, Mrs. R. J. Shurratt, Mr. G. Elsemore, Miss L. Elsemore, Mr. A. J. Baker, Mrs. A. J. Baker, Mr. R. J. Lane, Mr. Benson Johns, Mr. Gilbert Stone, Mr. Malfred Soley, Mr. Lloyd Davis, Mr. P. L. Wilmarth.

/s/ H. E. GREEN.

Recapitulation

	1st	Stg.
Juno	20	2
Sitka	57	6
	—	—
Total	77	8

A. J. Borkland, Master.

Paul E. Richers, Purser.

Mr. Tollefsen: You may Cross-Examine.

(Testimony of Henry Green.)

Cross-Examination

By Mr. Robertson:

Q. Do you personally know each one of the passengers who traveled from the port of embarkation to the port of debarkation on that list?

A. No.

Re-direct Examination

By Mr. Tollefsen:

Q. When would the next previous voyage of the North Coast have been?

A. I can't tell you that accurately unless I was down at the [89] office and looked up the record.

Q. How often did that boat make a voyage?

A. About every two weeks.

Mr. Tollefsen: That is all.

(Witness excused.)

Mr. Tollefsen: At this point, your Honor, the Government rests.

(Recess.)

Mr. Robertson: If the Court please, before putting evidence in, I would like to **renew my motion** and add a little to it.

The Court: The Jury will be excused until called.

(Whereupon the Court admonished the Jury, and the Jury retired to the Jury Room.)

Mr. Robertson: The defendant now moves to strike all the testimony of the witness Margie Mil-

ler, relative to the alleged conversation between herself and the defendant in Sitka, and also to her transactions, dealings and conversations with Jean La Rue or Bowman, and other persons in Seattle, upon the ground that whether or not Margie Miller is produced as a witness and gave her testimony on the theory that she was an agent of the defendant or an accomplice of the defendant, that there is no corroborating evidence to sustain her testimony, and that under the law as to agency the declarations of an agent, to which she claims she is making them, or acts done on behalf of a principal, unless there is an [90] admission of the principal to the existence of a relationship of principal and agent by the principal, or else that there is other competent proof than the evidence offered by the agent, and that she be treated as an accomplice. "A conviction can not be had upon the testimony of an accomplice unless he be corroborated by such other evidence as tends to connect the defendant with the commission of the crime, and the corroboration is not sufficient if it merely show the commission of the crime or the circumstances of the commission." Section 5352, Compiled Laws of Alaska, 1933. And the principle of agency is in 22 Corpus Juris at Page 37. We submit at this time that there is no such corroborating evidence, that the only possible evidence that there is in circumstantial evidence and the circumstantial evidence is very slight, if of any weight whatsoever; that Jean La Rue testified that it was fifteen minutes after she had entered this house in Sitka before she talked to Mrs. Anderson, and the only way she

sought to tie Mrs. Anderson up with Margie Miller was by saying that Mrs. Anderson said in substance, as I recall her testimony, "Oh, are you the new girl who has come from Seattle?" There is no evidence whatsoever as to what that meant—even though it now stands admitted that if Mrs. Anderson did make such a statement, it hasn't been corroborated—or that the source of that information couldn't have been ascertained by Mrs. Anderson other than from the fact of a dealing between herself and Margie Miller. Furthermore, Jean La Rue herself says when she left this house about a month after she had been in it, up to that time Mrs. [91] Anderson had never asked her to pay any transportation, then she claims a month later, more than a month, probably six weeks after the alleged commission of the crime, that Mrs. Anderson asked her to make refund of this \$70.00. She made no statement in her evidence as to why or the reason, if any, Mrs. Anderson assigned as to why, but just said in substance that she wanted her to repay \$70.00 which Margie Miller advanced for her transportation from Seattle. The other woman, Jackie Lugo,—her only testimony is testimony that she entered the private bedroom of Mrs. Anderson for two minutes and while there she heard them—Mrs. Anderson and Margie Miller—talking about arranging some kind of code and understood it was something about girls. That was the only positive evidence she gave. The telegram itself is no evidence and none was brought in, except by inference, as to why that telegram couldn't mean exactly as to what it reads. There is no evidence that Mrs. An-

derson ever saw that telegram or had that telegram, except that Mr. Mansfield testified he and Mr. Whitmore found it, if I understand correctly, inside a Valentine box or Valentine envelope, I took it, in a bureau drawer of some dressing table or something of that kind, in one of the rooms in Mrs. Anderson's house, and I submit to your Honor, that is not the kind of evidence required to corroborate an agent or accomplice, before the principal can be convicted of an alleged commission of a crime in which the agent was principally acting, and I think the Court will take judicial notice that the agent has plead guilty before this Court, that she committed the crime of furnishing the transportation, [92] your Honor.

The Court: Sorry, but the Court does not agree with any part of your interpretation of this evidence. The witness Miller testified that she had an arrangement with the defendant to send some girls from Seattle and that she arranged that she would wire in code as to what she did. She explained to the Court and Jury what the code was like. She later identified the telegram which she said she sent to the defendant, and the telegram itself was later found in the bedroom of defendant among her personal and private papers. The last witness on the stand, Gloria Bowman, testified she met the witness Miller in her room at the Atwood Hotel and pursuant to that made arrangements and talked to her about coming up here to work for Maude Anderson as a prostitute in Sitka, in Mrs. Anderson's house of prostitution; that she left to come up here the next morning; that as soon

as she got off the boat she ordered a cab driver to take her to Mrs. Anderson's place, and went in the house and Mrs. Anderson, without any prompting or intervention from anything or anybody said, "Oh, yes, you are the girl from the States," and ordered her down to have a physical examination and to go and register with the police the same day, and she came back and went to work as a prostitute the same day as she arrived. That is the evidence in substance. The evidence of the last witness alone is enough to take the case to the Jury. The motion will be denied.

Mr. Robertson: We will take an exception, your Honor.

The Court: Call the Jury.

(Whereupon the Jury returned to the Jury Box.) [93]

DEFENDANT'S CASE

Mr. Robertson: At this time I would like permission to call a witness, who is desirous of getting on the boat for Sitka, out of order, for corroborating and particularly impeaching testimony. Otherwise he will have to stay over until the next boat.

Mr. Jernberg: No objection.

The Court: You may call him.

CLARENCE RANDS,

called as a witness on behalf of the Defendant, being first duly sworn, testified as follows:

(Testimony of Clarence Rands.)

Direct Examination

By Mr. Monagle:

Q. Mr. Rands, will you state your name?

A. Clarence Rands.

Q. Where do you reside? A. Sitka.

Q. How long have you resided there?

A. A little over six years.

Q. What is your occupation?

A. Building contractor.

Q. In your course of your occupation, some time during the year 1941, did you have any business dealings with Maude Anderson?

A. Yes, I did.

Q. And did she employ you to do any work for her? A. Off and on for quite some time.

Q. Did she employ you, or rather arrange with you in an effort to, or with the view of making a contract for the construction, or putting additions to a place she owned near Lake View Cottage in Sitka? [94]

A. Yes, we talked over plans.

Q. During the course of this conversation and arrangements being made for the addition, were you informed what the purpose of it was?

Mr. Tollefsen: If the Court please, I would like to invoke the rule of setting the time and place and who was there.

Q. I asked first if he had any. First I will ask you if you had any conversation, at any time or place, in the year 1941, in connection with the construction of a building or additions to the building? A. Yes, sir.

(Testimony of Clarence Rands.)

Q. When and where did it take place?

A. It took place up at her house.

Q. Who was there?

A. I don't recall if any other party was there besides Mrs. Anderson and myself, or not.

Q. You don't recall anybody else being there?

A. At the time of the discussion, I don't remember. Margie Miller was there but at that particular moment I don't recall. I did talk about it with her.

Q. Did you have any discussion in the fall of 1941 in connection with the placing of an addition to one of these buildings, when Maude Anderson and Margie Miller were both there?

Mr. Tollefsen: I object. That is very leading. Usually counsel asks a witness when it was—he is putting words in his mouth.

The Court: Yes. Let the witness testify.

Q. Just inform the Court all the conversations you had, the dates on which you had the conversations with Maude Anderson when [95] Margie Miller or anybody else was there, in connection with the placing of an addition to the building next to the Lake View Cottage.

A. Seems like it was in the fall of 1941. I don't recall just what month, whether it was before November or not. I built and done repairs on quite a bit of her property and one time we talked about what I thought it would cost to remodel the small place, which was possibly 14 by 20, enlarge it and build a few rooms in addition. She had the

(Testimony of Clarence Rands.)

idea of leasing it. I made a pencil sketch but never a cost figure.

The Court: Who was this conversation with?

A. Mrs. Anderson.

Q. Did Margie Miller ever talk to you about the same work you talked to Mrs. Anderson about?

A. Yes, I talked to Margie about it.

Q. At the same time or a different time?

A. There might have been a day or two difference.

Q. In other words, the fall of 1941?

A. All the same period.

Q. What did Margie Miller say, if anything, about this addition to the building?

Mr. Tollefsen: If the Court please, I don't see that it is material. I object on the grounds that it is incompetent, irrelevant and immaterial, and not pertaining to the issues of this case.

Mr. Monagle: It corroborates one of the Government witnesses. Margie Miller by her own testimony said it was for a place of her own. It impeaches Jackie Lugo. She said Margie didn't intend to.

The Court: What are you offering it for? [96]

Mr. Monagle: I am offering it for the purpose of impeaching Jackie Lugo.

Mr. Tollefsen: If the Court please, I don't see how the statements of another witness can be used for impeachment of a third witness.

The Court: I don't either.

(Testimony of Clarence Rands.)

Mr. Tollefsen: I never heard of anything like that.

(Respective attorneys and Court Reporter approached the Bench, out of hearing of the Jury.)

Mr. Monagle: As I said, we are calling this witness out of order to corroborate the testimony of Mrs. Anderson, and the Government witness Miller admitted it. Mr. Rands can certainly corroborate——

The Court: You want to corroborate Maude Anderson's testimony?

Mr. Tollefsen: He can't by what another party said to this man.

Mr. Monagle: And also Mr. Rands can testify to the fact of what Margie Miller said about not getting the place. That is the foundation. She told him and two other witnesses that she didn't get the place, and proves——

Mr. Tollefsen: You can't bring in a conversation between Rands and anybody else.

Mr. Monagle: Then there is no way of impeaching a witness. She denied saying that she was going to get Maude if it would take the rest of her life. I am laying the foundation that it was to be built for her but she didn't get it.

The Court: He testified there was talk of building an additional room on the house she lived in. What relevancy [97] does that have to this case?

Mr. Monagle: It shows that Margie goes to him and says she is going to get even with this woman

(Testimony of Clarence Rands.)

because she promised to build a place for her and now she does not.

The Court: Can you get him to show that?

Mr. Monagle: Not without laying a foundation.

The Court: I don't think so, not in this stage of the game.

(Respective attorneys and Court Reporter left the Bench and were again within hearing of the Jury.)

The Court: The offer will be denied.

Mr. Monagle: We will take an exception.

Q. Did Margie Miller ever arrange with you at any time, Mr. Rands, to talk to you about a place of business for herself in Sitka?

A. No. I have never talked with her about that.

Q. Did Margie Miller ever talk to you in Sitka some time in January of 1942, after coming back from Seattle, or February 1942, about an arrangement between her and Maude Anderson in connection with the occupation of a place used for prostitution?

Mr. Jernberg: I object. I don't know the purpose, unless it is for impeachment.

Mr. Monagle: The question was about the construction of a building.

The Court: The witness said he never talked to Margie Miller about that. The question was asked and he said, "No."

Mr. Monagle: This is about a conversation which took place because the building wasn't built. I am asking if, after she came back, there was an arrange-

(Testimony of Clarence Rands.)

ment had [98] with Maude Anderson because it was not built. That is the question.

The Court: You may ask him. We are not going on any tangents in this matter.

Q. Did you and Margie Miller, or she ever make any statement to you against Maude Anderson because of the fact that her arrangements with Maude Anderson about the construction of a building for the use of prostitution was not complied with?

Mr. Jernberg: I object to that type of question. It is absolutely leading.

Mr. Monagle: The answer is "Yes" or "No".

Mr. Tollefsen: I object to any further leading questions and ask the Court to admonish counsel to frame his questions in——

The Court: I think if you let the witness——

Mr. Robertson: It is not leading. It is based upon the impeaching question which I asked Miss Miller while she was on the witness stand. This question is simply asking Mr. Rands "Yes" or "No" if he had any such conversation with her. It is the only way to bring it out. The impeaching question was asked on that very point.

The Court: It isn't the same thing. In order to save time, let him answer the question.

A. Yes, I have.

Q. You did? A. Yes.

Q. When was it? When was it the conversation took place?

A. I don't recall the exact date. It was after she come back from the south, probably in January

(Testimony of Clarence Rands.)

or February of the next year. That is when she come back from the States. [99]

Q. Where was Margie Miller living at that time?

A. A little house two doors from the house of prostitution.

Q. What, if anything, did she say in reference to Maude Anderson?

The Court: Exactly what was said in this conversation?

A. Well, Margie was quite peeved and put out because the little house she figured on building wasn't built. I knew there was some riff between Margie——

The Court: Never mind. Tell what was said.

A. She said she figured it would be built when she got back and it wasn't and that she—I asked her what she was going to do and she said probably she would have to be a mistress in this house or something.

The Court: What?

A. A mistress in this house that she had been working at. That was all.

The Court: Was that all that was said?

A. Yes, sir.

The Court: What house are you talking about? The house she was living in?

A. No. I figure the house was in between the house she was living in and the house we were going to remodel—it was in between the house we were going to remodel and the two houses.

(Testimony of Clarence Rands.)

The Court: Is that all?

Mr. Monagle: That is all, if the Court please.

Cross Examination

By Mr. Jernberg:

Q. What time is your boat leaving?

A. Supposedly four o'clock. [100]

Q. You are also in the insurance business in Sitka, are you not? A. Yes.

Q. Do you have Mrs. Anderson's property insured? A. I do.

Q. For how much?

A. I imagine the several buildings total around \$12,000.00.

Q. That is all. One more question. How long have you known her, Clarence?

A. A little over six years.

Q. Ever since you have been in Sitka?

A. Yes.

Q. During that time you have done considerable contract work for her? A. Yes, sir.

Q. How many houses does she own, if you know?

A. About five.

Q. You are also City Assayer?

A. I was at one time.

Q. You have done considerable work for her over the course of time you have known her, is that correct? A. Yes, sir.

Q. That is all.

Mr. Monagle: That is all.

(Witness excused) [101]

MAUDE ANDERSON,

the Defendant, called as a witness on her own behalf, being first duly sworn, testified as follows:

Direct Examination

By Mr. Monagle:

Q. Will you state your name, Mrs. Anderson?

A. (Witness remaining in her wheelchair, which was placed in front of the witness stand): Maude Anderson.

Q. And how long have you lived in Alaska, Mrs. Anderson?

A. I have been up here since 1926.

Q. Are you married?

The Court: How long?

A. I came up in 1926.

Q. You are married?

A. I was married in 1929.

Q. How old are you, Mrs. Anderson?

A. Forty-nine years old the first of February.

Q. Of this year? A. Yes.

Q. What does your husband do?

A. He is a troller.

Q. A fisherman, a troller. Where do you live?

A. Sitka, Alaska.

Q. How long have you lived in Sitka?

A. Since 1929.

Q. Now, you heard the testimony of Margie Miller, in which she testified that she had a conversation with you before leaving for Seattle in the fall of 1941? A. I heard it.

(Testimony of Maude Anderson.)

Q. How long have you known Margie Miller?

A. She came up in 1940. [102]

Q. She came to Sitka in 1940? A. Yes.

Q. And you have known her at all times since then? A. Yes.

Q. Did you and Margie Miller have a conversation at the time Margie Miller testified a conversation was held between you and she?

A. We did not.

Q. Did you have any conversation at any time with Margie Miller just prior to her departure for Seattle in the fall of 1941? A. I did not.

Q. Now, did you make any business arrangements with Margie Miller in Sitka when she was there in the fall of 1941? A. No, sir.

Q. Was there any conversation between you and Margie Miller at any time in Sitka in the fall of 1941 with reference to her going to Seattle for some purpose?

A. No, I did not. I was going to let her have one of my places.

Q. Did you have any conversation with her about having one of your places in Sitka?

A. Yes.

Q. When was that?

A. Before she went she moved down in one of my cottages, one of my small places. She rented it.

Q. When was that conversation?

A. After she moved out to one of my places.

The Court: What?

A. After she left the Lake View Cottage.

(Testimony of Maude Anderson.)

The Court: That doesn't mean anything to me and I don't suppose it does to the Jury. Don't you know when she [103] left or came up? Can't you give any dates?

A. She came up there in 1940, in the spring sometime. I can't just recall. I was sick at the time and I don't just remember. I recall when she came. Her and her sister came together, but I can't just recall the time. I was sick at the time in bed. They stopped at some hotel down there in Sitka.

The Court: That isn't what you were asked. You were asked when any conversation you had occurred.

A. I never had any conversation with her about going south.

The Court: You never had any conversation?

A. No.

The Court: She was working in your house, wasn't she?

A. She was there.

The Court: You saw her every day, several times a day?

A. Yes.

The Court: You are being asked about a specific conversation.

A. I never held any conversation with her.

The Court: You weren't on speaking terms?

A. We were on speaking terms but I was in my room most of the time and not in the other part of the house, and haven't been since 1940.

(Testimony of Maude Anderson.)

The Court: Go ahead.

Q. Did you and Margie Miller have any conversation with reference to her leasing any property from you?

A. Yes. She was going to lease——

The Court: When?

Mr. Monagle: I said at any time.

The Court: We are not interested in any time. Fix the time. [104]

A. That was in 1941.

Mr. Monagle: I was asking if she had a conversation. I was not asking what she said.

The Court: Ask her when it was. In other words, fix it sometime within a reasonable time of the time we are talking about.

Q. Mrs. Anderson, did you have a conversation with Margie Miller in Sitka, Alaska, in the Lake View Cottage sometime in the fall of 1941, with reference to your leasing her a place of business?

A. Yes.

Q. When was that conversation held?

A. That was in 1941.

Q. What time of 1941?

A. I couldn't just recall. I think it was just a while before she went out, because she was taking care of my place, and because Lulu Coleman, who is taking care of it now——

Mr. Tollefsen: If the Court please, I think it is getting unresponsive. She was not asked why.

The Court: Confine your answers to the questions asked you.

(Testimony of Maude Anderson.)

Q. You say it was sometime before or around the time she went out. What do you mean—"out"?

A. Before she went south.

Q. Before she left Sitka and went to the States?

A. Yes.

Q. That was in the fall of 1941? A. Yes.

Q. Where did this conversation between you and Margie Miller, with reference to her leasing property, take place? [105] A. In my bedroom.

Q. Who was there? A. No one.

Q. No one? A. Her and I.

Q. Margie Miller and yourself? A. Yes.

Q. Was any arrangement agreed upon between you and Margie Miller whereby you agreed—

Mr. Tollefsen: If the Court please, that question is obviously leading.

Q. I will withdraw the question. What did Margie Miller say to you at that time and place in connection with leasing any building of yours there in Sitka?

A. Well, I was to build on to it and she was to furnish it.

Q. On to what?

A. This house. It is just a two-room house. She wanted a couple more rooms. I spoke to Mr. Rands.

Q. Where is this two-room house?

A. In between the Lake View Cottage and my home.

Q. In Sitka?

A. Yes. My home is where the little cabin was;

(Testimony of Maude Anderson.)

that is where Margie lived, and after she left I built it into a home.

Q. You say that Margie told you she wanted you to build onto this little house? A. Yes.

Q. And what else did Margie say about adding onto this house or improving it?

A. She said she would furnish it, get furniture for the place. A livingroom set was already ordered, and she was going to [106] get the rest when she went south.

Q. What did she say she was going to do with the furnishings and furniture?

A. Put it in that place.

Q. The house was to be leased from you?

A. Yes.

The Court: What was the answer?

Court Reporter: "Yes."

Q. Did she tell you what she intended to lease this house for?

Mr. Tollefsen: We object. That is irrelevant.

The Court: Objection be sustained.

Mr. Monagle: Exception.

Q. What was Margie Miller's occupation at the time she was conversing with you about leasing this property from you?

A. She was running the place for me at that time, the Lake View Cottage.

Q. Did Margie Miller tell you in this conversation, in connection with leasing——

The Court: Just a minute. That is just court-trouble. The question is very apparently

(Testimony of Maude Anderson.)

leading. Let her testify as to what was said and done.

Q. Did Margie Miller tell you where she was going or what she was going to do in connection with the property she was going to lease from you?

Mr. Tollefsen: It is not material what she was going to do with the property.

The Court: There is no evidence yet that she was leasing it.

Mr. Monagle: She testified——

The Court: Who did? [107]

Mr. Monagle: Margie Miller.

The Court: This witness didn't.

Mr. Monagle: I haven't had a chance to ask her. The same questions were asked Margie Miller.

Mr. Jernberg: I object to further comment by counsel. He is trying to put the District Attorney's Office in a bad light.

The Court: What we are trying to do is elicit the truth from this witness. Let the witness herself testify, instead of putting words in her mouth.

Q. Did Margie Miller say anything to you about the use of the property which she was to lease from you? A. Yes. She said——

Q. The answer is "Yes"? A. Yes.

Q. What did she say in the conversation which took place in your house, in the Lake View Cottage at Sitka?

A. She wanted to lease the place from me and get herself some girls.

(Testimony of Maude Anderson.)

Mr. Tollefsen: I move the answer be stricken. The line of questioning is immaterial. It didn't matter what she intended to do.

The Court: I don't see any relevancy in that or any part of it.

Mr. Monagle: I would like to argue the point of the Government putting it in the evidence, and we objected when they introduced it. I would like to have the Jury excused, if the Court will hear me.

The Court: Go ahead with the examination and see where we get to. [108]

Mr. Monagle: My understanding is that the witness might answer the question?

The Court: Reframe your question.

Q. What, if anything, did Margie Miller say to you in the Lake View Cottage at Sitka during the time you testified having this conversation, what did she say in connection with the use of the property she was leasing? A. She——

Mr. Tollefsen: Objection.

The Court: The objection will be sustained. I don't care what she was going to do with it.

Mr. Tollefsen: I move the answer be stricken.

Q. You heard Margie Miller testify that you and she had a conversation in your room in the Lake View Cottage in November of 1941, at which time you and she agreed she should go to Seattle, is that true, was there such a conversation? A. Yes.

Q. She testified that during that conversation it was agreed she should go to Seattle and get some girls for you, is that true?

(Testimony of Maude Anderson.)

A. That is not true.

Q. Was it agreed whether or not she would get some girls for anyone?

Mr. Tollefsen: Well——

The Court: That is immaterial.

Q. What did Margie Miller say she was going to Seattle for?

A. Stuff to furnish up that place. Nothing was mentioned about girls. There wasn't anything mentioned about girls. I never had any talk with her about girls at no time.

Q. What did she say she was going to get?

A. A couple of bedroom sets for the bedroom, and she had already [109] ordered a livingroom set.

Q. For the property she was to lease from you?

A. Yes.

Q. Did you at any time—I will reframe that—during this conversation, is it true or not that a code was made up between you and Margie Miller, as Margie Miller testified?

A. Absolutely not.

Q. No such arrangement was made?

A. Absolutely not.

Q. Did you write to Margie Miller about bringing one or more girls or any girls?

A. Absolutely not.

Q. To Sitka from Seattle?

A. Absolutely not.

Q. Did you have any agreement about her procuring any girls and sending them to you?

A. Absolutely not.

(Testimony of Maude Anderson.)

Q. Now, during the time Margie Miller was having this conversation with you in Sitka in the fall of 1941, did you know this woman who goes by the name of Virginia Knapp, Virginia Bowman, or Jean La Rue? A. No, I never knew her.

The Court: During what time?

Mr. Monagle: During the fall of 1941 when Margie Miller and Maude Anderson were having the conversation.

Q. Did you know Doris Mann, whom Margie Miller sent——

Mr. Tollefsen: We object.

The Court: What part do you object to?

Mr. Tollefsen: Especially to the part that she arranged transportation for this girl. [110]

Q. I will change that and substitute the name of Diana Crawford. You heard Margie Miller testify that she also arranged for Diana Crawford to come to Sitka from Seattle?

A. I heard her testify.

Q. At the time you had the conversation with Margie Miller in the fall of 1941, did you know Diana Crawford? A. I did not.

Q. When is the first time that you ever saw Virginia Bowman or Jean La Rue?

A. I think it was December 3rd, or something like that, the 3rd or 4th. I can't recall.

Q. December 3rd of what year? A. 1941.

Q. And where did you see her?

A. She came up to the Lake View Cottage.

Q. When did you see her? What time on December 3, 1941, was it?

(Testimony of Maude Anderson.)

A. I just don't remember what time of day it was. I was sick in my bedroom. Lulu Coleman had her come in and see me.

Q. Lulu Coleman brought her in to see you?

A. Yes.

Q. What did she say?

A. She asked me if there was a room for her, if she could get a room.

The Court: What?

A. She asked if I had a room.

Q. Was that the first time you had met her?

A. That is the first time.

Q. Had you at any time made arrangements, made any arrangements with Margie Miller with reference to bringing her to Alaska?

A. I did not. [111]

Q. Did you at any time give Margie Miller any money with which to bring this La Rue or Bowman, or any other girl from Seattle?

A. No, sir.

Q. Did you ever promise to pay Margie Miller or any one else any money to bring Virginia Bowman or Jean La Rue, or any other girls from Seattle to Sitka, Alaska? A. I did not.

Q. When did you first meet Jackie Lugo or, as she calls herself, Elvira Cavender? When did you first meet her?

A. She came in the spring of 1941.

Q. 1941? A. Yes.

Q. And now, you heard her testify she came into a room there at Sitka in the fall of 1941, at

(Testimony of Maude Anderson.)

which time you and Margie Miller were having a conversation, at which time she stated that you were sitting there in the chair. Was her testimony true or false? A. It was false.

Q. What was your physical condition at that time?

Mr. Tollefsen: We object to any further reference to her physical condition.

The Court: The objection will be sustained.

Mr. Monagle: Exception.

Mr. Tollefsen: I don't believe that is impeaching——

The Court: There is nothing impeaching about it. The Court hasn't admitted anything about her physical condition. The Court is not going into that.

Q. When you and Margie Miller were having this conversation at the Lake View Cottage in Sitka in the fall of 1941, it was testified to by Margie Miller—where were you in connection [112] with that room? A. I was in my bed.

Q. And where was the bed?

A. Sitting over by the window. The room—you see, the door comes in this way, and kind of a hallway crossed, and my bed sits back there, and there is a private bath.

Q. It was as far away from the door as possible?

A. Yes. There was a hall in between.

Q. Where was Margie Miller in connection with you in that room?

(Testimony of Maude Anderson.)

A. I think she was standing by the heating stove. I just don't recall.

Q. Was she close to where you were in bed?

A. Yes.

Q. Exactly what did Margie Miller say, as near as you can remember, in the room at that time?

A. She told me she was going out and would be back and hoped the house would be ready. That was all the conversation, and nothing else.

Q. That was the entire conversation?

A. Yes.

Q. Did she say anything at that time with reference to girls? A. No.

Q. Did she say anything at that time with reference to making up a code? A. Absolutely no.

Mr. Jernberg: Counsel has gone over this. I think this is the third time. I think the Jury is well informed on it.

Q. You heard the testimony of Jackie Lugo or Elvira Cavender in connection with, or substantially in effect that she walked [113] into the room in the Lake View Cottage in Sitka in the fall of 1941, when you and Margie Miller were having a conversation. Do you remember her testimony with reference to making up a code?

A. I remember.

Q. Was that true or false? A. False.

Q. Do you remember the testimony of Jackie Lugo or Elvira Cavender, in connection with that conversation in which she said that arrangements were made to bring girls up here for you?

(Testimony of Maude Anderson.)

A. I heard her say it.

Q. Was that true or false? A. False.

Q. Did you——

The Court: Isn't this the same matter that has been gone over two or three times already?

Mr. Monagle: There are three different witnesses.

Mr. Tollefsen: I believe she can testify to the facts. She said there was no such conversation. You don't have to go over it.

Mr. Monagle: Negative proof does not overcome——

The Court: Jackie Lugo was the only person who testified that she overheard the conversation.

Mr. Monagle: And Margie Miller testified that she took part in it.

The Court: Yes, she testified that she took part in it.

Q. You heard the testimony of Jean La Rue Bowman, or whose true name is Gloria Virginia Bowman, that you made demand upon her to repay you \$70.00 for the fare from Seattle to Sitka? [114]

A. I never had any such conversation.

Q. Was her testimony true or false?

A. False.

Q. You heard the testimony of Jean La Rue, also known as Gloria Virginia Bowman, that she testified she paid this money or part of this money back to Margie Miller. Do you know whether that is true or false? A. I do not know.

Q. Now, the Government introduced an exhibit

(Testimony of Maude Anderson.)

here, a telegram that Mr. Mansfield testified he found in your place, and I will ask you to look at it. That is Government's Exhibit Number "1".

A. I will admit the telegram come, but I never answered no telegram.

Q. You admit you got the telegram?

A. Yes.

Q. The telegram came to you? A. Yes.

Q. And you say you didn't answer it?

A. I didn't know what she was meaning.

Q. She testified on the stand that that meant that when she said dresses she meant girls—two dresses and a coat, meant girls.

A. I don't know anything about it.

Q. Was any such arrangement made between she and you? A. No.

Q. Do you know anything about what the telegram says about "need the three badly"?

A. I don't know what she meant.

Q. When Margie Miller left Sitka, how much of her property, personal effects, did she take with her?

A. I don't know, for I was sick in bed at the time. [115]

Q. Where was Margie Miller living prior to the time she left Sitka in November, 1941?

A. She was living in one of my little cottages.

Q. And did she give up that cottage when she left Sitka?

A. No, she left her stuff there. I don't know what she left, for I wasn't down there.

Q. You don't know?

(Testimony of Maude Anderson.)

A. No. She told me she had a livingroom set coming, and if it come to have it put in there until the other place was ready.

Q. Did you?

A. I didn't bother about it. It was on the dock when she come back. She moved it herself.

Q. Does she have any personal effects in your house? A. No.

Q. She moved out of there entirely?

A. Yes.

The Court: When did she move out of your house?

A. About two weeks before she left, something like that. I don't remember just how long it was.

Q. Two weeks before?

The Court: I understood you to say she was running your place for you?

A. Yes, but she had the other house there.

The Court: She was not staying there?

A. No. She was sleeping down at the other place.

The Court: Who was taking care of the place when she wasn't there?

A. Lulu Coleman, the same lady has been there since the spring of 1940.

The Court: How did she take care of your place when she [116] was sleeping at the other place?

A. She always stayed up there.

The Court: Most of your business is night business, isn't it?

(Testimony of Maude Anderson.)

A. Yes, but she always stayed there until morning.

Q. The Judge asked you——

A. She had a room in both places—a room in the Lake View Cottage—and the place for her furniture and stuff she was putting in this place—there was only one room and a kitchenette.

Q. The Judge asked if most of your business wasn't night business. Was she there during the time of business?

A. No, at the Lake View Cottage.

Q. And in the day time?

A. At the other place. She didn't stay, but was in and out.

Q. What rent was Margie Miller paying you for the use of this little house?

A. \$25.00 a month.

Q. You heard Margie Miller testify that you gave her credit for that rent to reimburse her for the transportation of this Virginia Bowman, Gloria Virginia Bowman, known as Jean La Rue, and also the other two girls she arranged for in Seattle to transport by plane to Alaska. What arrangements, if any, were made between you and Margie Miller in connection with that rent?

A. That is not so. I didn't.

Q. What is the truth about the rent for the place she was living in?

A. She had the rent paid until she came back. She was mad at me because she didn't get the place next door and she stayed, and when I wanted to build a home, she stayed there until she [117] dis-

(Testimony of Maude Anderson.)

posed of the livingroom set and other things. I sent Mr. Rands to ask when I could have the place for my mother and myself. I have had a nervous breakdown.

Mr. Tollefsen: I believe the question has been answered.

Q. Did Margie Miller pay and, if so, when did she pay for the rent of that cottage?

A. She paid the rent before she went out. She was paid up, but she had me all paid up when she went out. When she came back, she refused to pay because she didn't get the place, and she refused until she could sell the livingroom set and go south. Her sister was with her at that time and both of them lived down there.

Q. Has she ever paid you that rent?

A. No, sir.

Q. Did you ever give her credit on that rent?

A. Absolutely no.

Q. For anything? A. No.

Q. When Margie Miller testified she was allowed credit for that rent against the expenses of sending the girls from Seattle to Sitka, is that true or not?

A. That is not true.

Q. When you first met Jean La Rue, Gloria Virginia Bowman, I think you testified that Lulu Coleman brought her into your bedroom?

A. Yes.

Q. You testified that you hadn't met her before that occasion, is that your testimony?

A. That is right.

(Testimony of Maude Anderson.)

Q. Do you know where she was from?

A. I did not.

Q. How did you find out where she was from?

A. I never asked her.

Q. Did you know where she was from?

A. No, I didn't.

Q. You heard Margie Miller's testimony, when she testified having a conversation in your room at the Lake View Cottage in Sitka in the fall of 1941, and she testified that you told her that if the girls that she obtained didn't have fare that she should advance it and you would collect the money from the girls when they got to Sitka. Is that true?

A. No, sir.

Q. Did you collect any money?

A. No, sir.

Q. From any of the girls? A. No, sir.

Q. From Jean La Rue? A. No, sir.

Q. Did you pay Margie Miller all her costs of her own personal transportation to go to Seattle or back? A. No, sir.

Q. Did you pay Margie Miller for her time or for her getting the girls? A. No, sir.

Q. Not at that time or any time since?

A. No.

Q. Did she ever make demands on—what, if any, demands did Margie Miller make on you to pay her own personal transportation for going to Seattle and getting the girls for you?

A. None. [119]

Q. Has she up to the present day?

(Testimony of Maude Anderson.)

A. No.

Q. You heard the testimony of Margie Miller on the stand when she testified that she arranged for three girls to come from Seattle to you in Sitka. One was this Virginia Bowman or Jean La Rue, and another one she identified as Diana Crawford, and another she said she didn't know the name of. You heard her testify to that? A. Yes, I did.

Q. Did Diana Crawford come to work for you, by plane or boat?

A. She never come. I never seen her until she was over there at the Red House.

Q. Did she work for you?

A. She was there later on.

Q. When did she work for you?

A. I think it was—I just don't remember. She was over in the Red House. She wasn't over at my place very long. She came from Mary's over there. I don't recall.

Q. Can you inform the Court and Jury approximately when it was, within a reasonably certain time? A. It was the latter part of 1942.

Q. Of 1942?

A. Or the first part of 1943. I just don't remember. I was sick at the time. I wasn't even there when she came.

Q. Did Diana Crawford, to your knowledge, work in your place at any time in the year 1941 or the year 1942? A. No, not in 1941.

The Court: You said she did work for you in 1942?

(Testimony of Maude Anderson.)

A. I said the latter part of 1942 or first of 1943. I just don't remember. I wasn't there. I was living in my own private [120] home. I was sick. I wasn't even over to the place.

The Court: Where is your own private home?

A. The second, the third house is my home. There is the Lake View Cottage and the little place I was telling you about, and my home is next. I built my home out of the place Margie lived in.

The Court: Right next door to the Lake View Cottage?

A. The second door.

The Court: How far away?

A. Those lots are fifty feet wide and there is a house on each lot, and there are three in a row.

The Court: It could be 100 feet?

A. 150 feet.

The Court: It couldn't very well be 150 feet with a house on each lot.

A. That is right.

The Court: It couldn't have been over 100 feet?

A. I never measured it.

The Court: Is there anything else?

Mr. Monagle: We want to make an offer of some evidence which the Government will probably object to. In order to have the record straight I would like to make the offer in the absence of the Jury, but before we are through with the witness.

(Whereupon the Jury was duly admonished and excused until April 6, 1945, at 10:00 o'clock A.M.)

The Court: You may proceed.

Mr. Robertson: We offer to prove by this witness in this conversation—we offer to prove by the defendant that [121] this conversation with the witness Margie Miller in the fall of 1941, shortly before Margie Miller left Sitka to go to Seattle, that she, Margie Miller, made an arrangement with the defendant by which defendant agreed that she would have Clarence Rands build or add to a building for Margie Miller, and that Margie Miller decided at that time and told the defendant she wanted that building for a house of prostitution, and was going to Seattle to get girls for that house of prostitution.

Mr. Tollefsen: The witness already testified she at no time discussed getting girls for anyone. This is in direct conflict.

The Court: That was not only her testimony, but the substance of Mr. Rands'.

Mr. Monagle: The Court refused to let me ask that question and said it was immaterial. The record will show that the Court said it made no difference what she was going to use it for.

Mr. Robertson: It seems to me that is perfectly fair, competent evidence, if it could be proved, because it goes right to the very theory of the defense, that this woman Margie Miller, who has already plead guilty to this charge—it shows her motive for going to Seattle, her motive for talking with a fellow and getting this young girl, her motive as to the two other women, going in the Pan American Office and getting transportation, or

some place; it shows the motive of that witness Margie Miller and certainly, if that was her purpose, it also bears out the theory of defendant's defense in this case, that she never had an agreement with Margie Miller to procure [22] girls to send to her. I believe it is perfectly competent evidence.

The Court: There is no such evidence. The witness said she never had any such conversation with her about girls.

Mr. Monagle: With reference—for Maude Anderson.

Mr. Robertson: Our contention is, your Honor, that the defendant did not make any such answer as your Honor contends. She was asked if she had any conversation with Margie Miller about Margie Miller procuring girls for this defendant, and the defendant said she never made such arrangements and didn't have any such conversation, and that Margie Miller told Mrs. Anderson she was going to get girls for her, Margie Miller's, house that Clarence Rands was going to build.

The Court: My recollection is that she was asked if she had any conversation with Margie Miller about bringing up girls for her, and she said, no, she never had any conversation with Margie Miller about any girls, or that was the substance of it.

Mr. Monagle: I submit we tried to prove the same thing by Mr. Rands and was ruled out.

The Court: I don't agree with that either.

Mr. Monagle: Mr. Rands wasn't permitted to answer the question. I submit to the Court that

when we discussed the matter—the Jury wasn't present——

The Court: You were asking him if he had a talk with the witness Margie Miller about building a place for her, and he said he didn't.

Mr. Robertson: It was about Mrs. Anderson building a place. [123]

The Court: I understand what you are talking about now, but there was no question of that kind asked Rands, or it escaped me.

Mr. Robertson: We make an offer—the defense can put up, and show by this woman that this other woman perpetrated the crime and this woman had no motive. It seems to me competent evidence.

Mr. Tollefsen: This offer of proof is directly contradictory of their own witness, impeaching, which is not allowed.

Mr. Monagle: Our witness testified there was no conversation about bringing women for her. That was her testimony.

Mr. Jernberg: If the Court please, I am sure she testified that she had no conversation about any girls, any time, any place, and never discussed girls at all. My notes show that, and I think Miss Maynard——

The Court: That is my recollection. She was asked about bringing girls up for her, and she said she never had any conversation at any time and never talked to her about girls.

Mr. Robertson: I am unable to agree with that testimony. At the time I didn't understand it so, but if that is what the Court's view is, I will leave

it off the offer of proof that Margie Miller told this defendant she wanted to go to Seattle to bring these girls up. My offer of proof will include that she wanted Mrs. Anderson to build this house and make arrangement with Clarence Rands to build it or add to it for Margie Miller for the use of prostitution. [124]

The Court: Mr. Rands didn't testify to anything like that. What good is an offer of proof if it is not submitted to the Jury?

Mr. Robertson: Every time Mr. Monagle asked these questions, he was ruled out. I offer it in good faith. I want to protect our record because I think the Court is in error in ruling that way.

The Court: You can make your offer of course. That is your right.

Mr. Robertson: I made my offer. I think Miss Maynard has got it but I will restate it. The defendant offers to prove by herself that in this conversation between herself and Margie Miller in the fall of 1941, shortly before Thanksgiving and shortly before the time that Margie Miller left Sitka and went to Seattle, and in her bedroom in this house that she was then living in in Sitka, she and Margie Miller being present, that arrangements were made by which this defendant agreed she would have Clarence Rands build a house for this Margie Miller, and this Margie Miller then and there told defendant that she wanted the house for the purpose of having a house of prostitution of her own, and we offer to make proof by this witness.

The Court: (To Court Reporter) Transcribe the offer and transcribe Clarence Rands' testimony before tomorrow morning.

Mr. Monagle: Will that include my statement with reference to the conversation with the District Attorneys before the Court so the Jury couldn't hear the conversation? [125]

The Court: Where?

Mr. Monagle: In the transcript, for review of it, as to what was offered.

The Court: I told her to transcribe Clarence Rands' testimony, including everything that went with it. Frankly, I am a little confused myself. The witness testified she had no such conversation, and she said later that she did talk with her about leasing a house from her. I don't know what she meant. At any rate (to Court Reporter) let me have that record the first thing in the morning.

(Whereupon Court recessed until 10:00 o'clock A. M. the following day, April 6, 1945, reconvening as per recess, with all parties present as heretofore and the Jury in the box; whereupon the following took place:)

(Previous to the convening of Court the transcripts above referred to were furnished to the Court.)

The Court: You may proceed.

Mr. Robertson: The Court has not taken a ruling on our offer at this time?

The Court: Yes, you may call her.

(Testimony of Maude Anderson.)

(Whereupon the defendant Maude Anderson resumed the stand.)

Q. (By Mr. Monagle): Mrs. Anderson, just before court adjourned yesterday you were asked a question as to what, if any, conversation you and Margie Miller had at the Lake View Cottage in the fall of 1941, in connection with her renting some property from you. Did you have such a conversation with her at that time and place, at the Lake View Cottage in Sitka in [126] the fall of 1941? A. That is right.

Q. Now, what was that conversation?

Mr. Tollefsen: If the Court please, I don't believe it is definitely fixed. It is pretty indefinite as to time.

The Court: Fix the time.

Q. When and where did this conversation take place? A. In my private bedroom.

Q. Where were you? A. I was in bed.

Q. When was it?

A. In 1941, in November sometime, but I can't just place the date.

Q. In November, 1941? A. Right.

Q. In your bedroom? A. Yes.

Q. Who was there?

A. Margie Miller and I.

Q. Just the two of you? A. Yes.

Q. What conversation took place between you?

A. I was to build on this place and lease it to her, and she was to run it as a place of her own.

(Testimony of Maude Anderson.)

Q. You say you were to rent her this place?

A. The place next door to the Lake View Cottage.

Q. What do you mean—a business of her own—did she state——

A. Yes, for prostitution.

Q. Did she state that she was going to set up a house of prostitution?

Mr. Tollefsen: I object to counsel going over the answers. [127]

The Court: Let the witness testify.

Q. What business did she state she was going to——

Mr. Tollefsen: I object to the repetition.

The Court: Yes.

Q. Was there any other conversation at that time and place between you and Margie Miller on that same subject?

A. Well, she told me it won't be any trouble for her to get her own girls.

The Court: That isn't responsive to the question.

Q. Answer "Yes" or "No".

A. Yes.

Q. What was this conversation between you and Margie Miller at that time and place?

A. That was—she said she was going to furnish it herself and get her own girls. She was to furnish the place herself.

Mr. Jernberg: And to get——

A. Her own girls, yes.

Q. Was there any conversation between you and

(Testimony of Maude Anderson.)

her as to what compensation, if any, she was to pay you for the place? A. Yes.

Q. What was that agreement between you and her?

A. I was charging \$50.00 a month for it.

Q. For what?

A. For the lease of the place.

Q. For the lease of the place? A. Yes.

Q. What were you furnishing for—what was the agreement—state what the agreement was between you and her?

A. The house—I was to build on the extra room she wanted and leave all the furniture in there. It was only a two-room [128] house at that time.

The Court: You were going to build how many additional rooms? A. Three extra bedrooms.

The Court: Three extra bedrooms?

A. Yes.

Q. Was there any agreement between you and Margie Miller as to who should furnish the furniture for this place in addition to what you said you were going to leave there?

A. She was going to buy the furniture herself.

Q. Now, in accordance with that agreement entered into between you and Margie Miller—

The Court: Is this an agreement or just a conversation?

Q. Was this an agreeemnt or just a conversation? A. This was an agreement.

Q. In accordance with that agreement did you

(Testimony of Maude Anderson.)

do anything or consult with anyone in performing your part of the agreement?

A. No, I did not, only the contractor. He was to build——

Q. What contractor did you consult?

A. Mr. Rands.

The Court: I understood her to say she didn't consult anyone.

Mr. Monagle: Except the contractor.

Mr. Tollefsen: I object to counsel trying to rephrase the answer.

The Court: I will let him ask the question.

Q. Did you, in accordance with the contract or agreement between you and Margie Miller, have the three bedrooms constructed?

A. No, I didn't, because the war broke out.

Q. Now, you heard Margie Miller testify yesterday that you had [129] written her a letter, or that she had received a letter from you when she was in Los Angeles, sometime in the fall of 1941, I believe she said around the first of December or thereabouts, in which you said in substance that the girls hadn't arrived in Sitka. Did you write Margie Miller any such letter?

A. No, I didn't, for I didn't know any address of Margie's.

Q. Did you write any letter whatever to Margie Miller after she left Sitka somewhere around Thanksgiving of 1941, between that date and say January 1, 1942? Strike that question. Did you write Margie Miller a letter at any time after she

(Testimony of Maude Anderson.)

left Sitka in the fall of 1941 and until she returned in the spring of 1942?

A. No, I did not.

Q. Did you send Margie Miller any telegrams during the period after she left Sitka in the fall of 1941 and until she returned to Sitka in 1942?

A. No.

Q. You heard a telegram read, which is Government's Exhibit Number "1". It was introduced in court yesterday and read to the Jury. Did you answer that telegram?

A. No, I did not.

Q. Did you write to Margie Miller or anyone else in reference to that telegram?

A. No, I did not.

Q. Did you do anything or take any action whatever in connection with that telegram?

A. Absolutely not.

Q. You heard F. B. I. Agent Oliver Mansfield testify in court yesterday that he talked with you when you were arrested in Sitka on August 31, 1944. Where did he talk to you? [130]

A. I was sick in my bed from a fever shot.

Mr. Tollefsen: That is not responsive.

Q. Where were you?

A. I was in my private home.

The Court: Read the previous question.

Court Reporter: "Where did he talk to you?"

The Court: Who do you mean—"he" talked?

Mr. Monagle: Oliver Mansfield, the F. B. I. Agent, when she was arrested.

Q. Now Mrs. Anderson, at that time and place

(Testimony of Maude Anderson.)

when F. B. I. Agent Oliver Mansfield was in your home when you were arrested on this charge, who else was in the house besides Mr. Mansfield?

A. You mean the officers?

Q. Everyone that was in the house.

A. Mr. Whitmore, Mr. Anderson, my mother and the lady that worked for me, taking care of me and my little niece.

Q. You mean this girl that is in the courtroom?

A. No, that is my older niece. The one twelve years old who has gone to Seattle.

Q. That's all the people? A. Yes.

Q. Mr. Mansfield testified he found the telegram in a Valentine box in a drawer in one of the rooms of the house. Where did he find that, if you know?

A. He said he found it in my mother's room.

Q. Were you with him?

A. Absolutely not. I couldn't get out of bed.

Q. Was it in the room where you were?

A. No, sir.

Q. Did he take you to the room where they found the telegram? [131] A. No, sir.

Q. Whose room was it where the telegram was found? A. My mother's room.

Q. Judge Alexander asked you yesterday where your home was located in connection with the Lake View Cottage, which the girls testified was a house of prostitution and where they carried on a business as such. Is your home, or place where you have been living, and the place where the telegram

(Testimony of Maude Anderson.)

was found, ever been used as a place of prostitution?

A. Absolutely not.

Q. What was it used for exclusively?

A. For my home and a home for my mother.

Q. Now Mrs. Anderson, yesterday afternoon you were in court and heard Margie Miller testify to the effect that during the fall of 1941 she had operated the Lake View Cottage in Sitka. Is that true or not?

A. That is true.

Q. You heard Jackie Lugo on the stand yesterday afternoon asked the question whether or not Margie Miller had managed the operation of the Lake View Cottage, and her answer was "No." Is that true or not?

A. That is not true.

Q. When Margie Miller testified that she—or, put it this way—Do you know what Margie Miller did when she operated the Lake View Cottage?

A. She took care of everything.

Mr. Tollefsen: Just a minute. "Yes" or "No".

A. Yes.

Q. What was her occupation and duties in connection with the operation of the Lake View Cottage? [132]

A. She took care of everything and managed it.

The Court: What?

A. She took care of it and managed it.

Q. In connection with the operation of this Lake View Cottage in Sitka in the fall of 1941, during the period that Margie Miller was operating or managing it, who had charge of the handling of the cash?

A. Margie.

(Testimony of Maude Anderson.)

Mr. Tollefsen: I object on the grounds that it is incompetent, irrelevant and immaterial.

Mr. Monagle: It is highly material.

The Court: I don't think it has anything to do with this. We are not going into an accounting in the case.

Mr. Monagle: A government witness testified she was in the room getting cash from a certain person. We have a right to prove if it was true or not.

The Court: What has that to do with the case?

Mr. Monagle: Jackie Lugo testified she was getting change from Maude Anderson and heard a conversation wherein they made up a code.

The Court: We are not going into it anyway.

Mr. Monagle: May it please the Court, we want an exception.

Q. Mrs. Anderson, you heard Margie Miller testify that she managed the operation of the Lake View Cottage in the fall of 1941. When did she discontinue the operation or management of the Lake View Cottage?

A. I am not just sure, but I think it was around just before Thanksgiving.

Q. What is your answer to that question with reference to the [133] time Margie Miller left Sitka in 1941? A. That was in November.

Q. How long a period, or was she still managing the Lake View Cottage with reference to the time she left?

A. Up until about a week before she left.

(Testimony of Maude Anderson.)

Q. Do you know where she was during that week? A. She——

Q. Answer "Yes" or "No". A. Yes.

Q. Where was she?

A. Down in the cottage getting herself ready to go.

Q. What cottage? A. In my cottage.

Q. Down in your cottage? A. Yes.

Q. What do you mean by saying, "Down in my cottage"? A. The one she rented from me.

Q. And during the period she was living in this cottage that she rented from you, was she working as a prostitute? A. That is right.

Q. She was? A. Yes.

Q. How much was Margie Miller paying you for the cottage that she was living in during that period? A. \$25.00 a month.

Q. And how long did Margie Miller live in that cottage?

A. She rented that cottage in October.

Q. Of what year? A. 1941.

Q. And how long did she keep it? [134]

A. She kept it until after she came back and sold her stuff.

Q. You say—— A. That was in January.

Q. Of what year? A. 1942.

Q. Did she pay you the rent for the use of that cottage?

A. She paid me the rent up until she went out, but after she came back she didn't.

Q. What months were the rent for?

(Testimony of Maude Anderson.)

A. November.

Q. Did she pay you for October?

A. Yes, she paid October.

Q. Did she pay for December? A. No.

Q. Did she pay for January? A. No.

Q. You say she didn't pay you for the month of December, or January. Did she live in that house that you had rented to her, after she returned from the States?

A. Right. Her and her sister both.

Q. For how long a period?

A. I think it was January and up until she left. I don't just remember.

Q. Until she left for where?

A. The south.

Q. Until she left Sitka to go to the States?

A. Yes.

Q. When did Margie Miller come back to Sitka from the States, after her trip when she testified she went south in November, 1941? [135]

A. I think it was in January. It was after the holidays, in January or the last of December. It was the first of January when she got back.

Q. What year? A. 1942, I guess.

Q. How long did she stay in Sitka when she came back from the States?

A. I just couldn't tell you how long she stayed when she came back from the south.

\Whereupon after receiving permission from the Court, Mr. Robertson and Mr. Monagle, attorneys for defendant, conferred together;

(Testimony of Maude Anderson.)

thereafter respective attorneys and Court Reporter approached the Bench, out of hearing of the Jury.)

Mr. Monagle: May it please the Court, for the record, we offer to adduce evidence by the witness on the stand and by other witnesses as to the physical and mental condition of the defendant at the time the alleged crime was committed and at the time Jackie Lugo Cavender claims she went in the room to get change when Margie Miller was there and she heard some conversation about a code with reference to bringing girls up here.

The Court: Do you claim she was incompetent?

Mr. Monagle: No, not mentally, but that she was taking shots, and I might submit to the Court the reason why we want to adduce the evidence. Margie Miller testified that Maude Anderson was in bed when she talked to her about the code. Jackie Lugo Cavender testified that Maude was not in bed but was sitting up. Also we offer to submit proof by this witness on the stand and others that during the time that Margie Miller testified, or [136] during the time that Jackie Lugo testified she went in to get change from Maude Anderson that Margie Miller herself was personally managing the house of prostitution, handling all the cash, and making all of the change, and that Jackie Lugo's testimony is false when she testified she went into that room to get change from Maude Anderson and that she got change from Maude Anderson.

(Testimony of Maude Anderson.)

The Court: If she says that is the truth, she can testify to it. I don't recall any such testimony as that.

Mr. Monagle: Jackie Lugo testified to it on the stand, that that is why she went in the room and was only in there two minutes, and she went in to get change.

Mr. Robertson: From Mrs. Anderson, and was in there two minutes and heard——

The Court: She said they were talking——

Mr. Monagle: She was asked and she answered, "I went in there——"

The Court: And that they were both in there——

Mr. Monagle: I mean to prove by these witnesses that is purely a fictitious story, unless there is some other reason. Her reason was to get change.

The Court: What do you mean? That she didn't go in to get change?

Mr. Monagle: And that she was not even in there. The defendant testified she never had any conversation when Jackie Lugo was present.

The Court: You asked her about that already.

Mr. Monagle: All right, but it certainly impeaches Jackie Lugo's testimony.

The Court: We are not going into it any further. [137]

Mr. Robertson: I don't know how far we can go about stating her general condition. For the record, we will state what we are going to show her physical condition is.

(Testimony of Maude Anderson.)

Mr. Monagle: May it please the Court, we can show by this witness and by competent other witnesses, and we can tender proof that Maude Anderson suffered a nervous breakdown shortly prior to this, within a few months, and was in a very poor mental condition, that she was suffering from arthritis, heart trouble and asthma, during the time, and was under the doctor's care and is still under the doctor's care for these ailments, and that she was in great pain and under the influence of medicine.

The Court: In other words, she didn't know what she was doing at any time?

Mr. Monagle: No, that is not the inference.

The Court: It certainly would be the inference.

Mr. Monagle: I don't mean——

The Court: That in a condition like that, she didn't know and does not now——?

Mr. Monagle: A person in great pain is—like when they came in to arrest her and the F. B. I. agent had her sign papers. She was in no condition—if the doctor had been there he would not have permitted them to talk to her—to arrest her and that was all. I can prove it by the doctor.

The Court: That would just open an avenue of investigation—we would never get through with this.

Mr. Monagle: It is important to the defendant, may it please the Court. [138]

The Court: I can't anticipate these things.

Mr. Monagle: I realize that.

(Testimony of Maude Anderson.)

The Court: I am not passing in advance until I know what they are going to develop.

Mr. Robertson: We understood the Court consistently ruled that we can't show anything about illness. That is why we make the offer of proof. Mike (Mr. Monagle) asked her several times and invariably the Court ruled it out. We make the offer of proof to protect our record.

The Court: I don't think that has anything to do with it, unless she was incompetent and didn't know what was going on.

Mr. Robertson: That is why we make the offer of proof. The Court ruled it out.

Mr. Jernberg: What is the offer of proof for? When Mr. Mansfield was there?

Mr. Monagle: Definitely and when Margie Miller was there.

The Court: Are you claiming it was an illegal search?

Mr. Robertson: Yes.

The Court: As to her physical condition—she talked to the contractor about building her house and she was certainly able to look after any other matters. She even had him make plans.

Mr. Monagle: Well, I could go into that.

The Court: It was right at the time we are talking about.

Mr. Monagle: I could go into that more fully, but the Court wouldn't let me.

The Court: You have gone into it more fully already.

(Testimony of Maude Anderson.)

Mr. Robertson: We take exception to the Court's ruling.

(Respective attorneys and Court Reporter left the Bench and were again within hearing of the Jury.) [139]

Mr. Monagle: You may cross examine.

Cross Examination

By Mr. Jernberg:

Q. Mrs. Anderson, yesterday you testified that you have lived in Alaska since 1926?

A. I said that is when I came up here. I went out in 1927.

Q. When did you return?

A. I came back in 1928.

Q. And you have lived here since 1928?

A. Yes.

Q. What business have you engaged in since 1928?

A. I was married in 1929 in Petersburg, Alaska. It was the latter part of 1928 when I came back.

Q. You have been a housewife since 1929?

A. Yes.

Q. Isn't it true that you built and operated the Lake View Cottage, a well-known bawdy house in Sitka?

A. That was in March in 1938.

Q. You built that house in 1938 and have operated it ever since, is that correct? Do you understand my question?

A. No.

(Testimony of Maude Anderson.)

Q. Isn't it true that you operated the Lake View Cottage as a house of prostitution since 1938?

A. Well, I got it in 1938, March 1938.

Q. Isn't it true that you operated it as a house of prostitution since 1938?

A. Not all that time, no.

The Court: Answer the question "Yes" or "No". [140]

Q. You can answer "Yes" or "No" and explain your answer.

A. I wouldn't know hardly how to answer that.

The Court: Answer it.

A. You see, after 1940 I haven't been able to be over there. I have been sick since then. I went out in 1940 on a stretcher.

Mr. Tollefsen: I ask that the answer be stricken as not responsive.

The Court: Motion granted.

Q. Do I understand your answer to be that you operated it from 1938 to 1940? A. Yes.

Q. You testified that Margie Miller ran the Lake View Cottage and that she took care of everything and managed it, is that correct?

A. That is right.

Q. Do you mean by that she got all of the revenue?

A. Absolutely not. I didn't say that.

Q. I am asking, did she get all of the revenue?

A. No.

Q. What share did you get? A. Half.

Q. Half of what? A. What was taken in.

(Testimony of Maude Anderson.)

Q. What were the sources of revenue?

Mr. Monagle: I object on the grounds that it is incompetent, irrelevant and immaterial, as to what Margie Miller got.

The Court: He was not asking what Margie Miller got.

The question was what was the revenue from.

Q. From prostitution? Gambling? Liquor? Phonograph? [141]

A. I had a phonograph there, yes.

Q. You testified here today that Margie Miller rented a cottage from you and paid \$25.00 a month, is that correct? A. That is right.

Q. Did you mean that she practiced prostitution in that cottage?

A. I don't know what she did in that cottage.

Q. As a matter of fact she practiced prostitution in your house?

A. At the time that she rented the cottage, she was running my place.

The Court: She was running your place for you? A. That is right.

Q. You testified this morning that you were living in your own home and Mr. Mansfield and Mr. Whitmore and the officers came to your house?

A. That is right.

Q. Were you living in your own home in November, 1941? Was that house built then?

A. No, sir.

Q. You were living in the Lake View Cottage, weren't you? A. Yes.

Q. And where were you living, Mrs. Anderson,

(Testimony of Maude Anderson.)

when this telegram, Government's Exhibit Number "1," came to you?

A. The Lake View Cottage.

Q. You heard the testimony of Gloria Bowman, Mrs. Cavender and Margie Miller, did you not?

A. I did.

Q. Did you hear them testify that out of each \$3.00 they earned as prostitutes, or each \$5.00, you got one out of three and two out of five?

Mr. Monagle: One girl said she paid half. Gloria [142] Bowman said she paid half. Another girl said she paid one out of three, and two out of five, and four out of ten. I submit to the record. She can't answer that.

The Court: The Jury knows what the testimony is in that regard. We are not going into that further.

Q. Mrs. Anderson, were you receiving that money in November of 1941? Were you receiving money from the prostitutes in November, 1941?

A. I told you I was—Margie was running the place and I was getting half of whatever she took in.

The Court: Read the answer.

Court Reporter: "I told you I was—Margie was running the place and I was getting half of whatever she took in."

Q. You testified that Margie Miller stopped running your house a week before she left for Seattle?

A. That is right.

Q. Who got the money from the prostitutes during that week and subsequent weeks?

(Testimony of Maude Anderson.)

A. Mrs. Lulu Coleman was running the place, and she is running it now, and she had taken the place over at that time.

The Court: For you?

A. Yes. She had taken it over.

The Court: For you?

A. And for herself just as well. I get half. She gives me half.

The Court: She is operating it for you?

A. For half of what is taken in.

The Court: You still own the house?

A. That is right.

The Court: And you owned the business. Go ahead.

Q. During the period I covered, the last week Margie Miller was [143] there and the following month, is it your testimony now that Lulu Coleman received half of all the revenue?

A. That is right.

Q. How many girls did you employ in November of 1941?

A. I couldn't tell you who was there and who wasn't. I was too sick. I don't remember.

Mr. Tollefsen: I request that the part of her testimony about being sick be stricken as not responsive.

Q. You kept the books, didn't you, Mrs. Anderson? A. I did not.

Q. Well, how many can you remember were there? Give us your best recollection as to the number of prostitutes you employed in your house.

(Testimony of Maude Anderson.)

A. Sometime there was two—three.

Q. I am talking about November, 1941.

A. There was four there, I think, as near as I can remember.

Q. There were four? A. Yes.

Q. Would you mind giving me their names?

Mr. Monagle: I object on the grounds that it is incompetent, irrelevant and immaterial. It doesn't prove anything.

Mr. Jernberg: If the Court please, I will try to tie it up with some later testimony.

Mr. Monagle: We object. This is Cross Examination. If he has any other testimony, it should be put on in Direct.

The Court: That is all true, but the Direct Examination has certainly taken a wide field. You may ask her.

Mr. Monagle: We take an exception. [144]

Q. Will you name them, Mrs. Anderson?

A. Violet Roland, Lou Dixon.

The Court: How do you spell the last name?

A. D-i-x-o-n, I guess. Margie Miller, Jackie Lugo.

Q. Now, did you hear Gloria Bowman, or Jean La Rue as you knew her, testify yesterday that when she moved into your house that she was given a new room? Did you hear her testify to that?

A. I did.

Q. Was that correct?

A. I don't know if you would call it new.

Q. Mr. Rands constructed it?

(Testimony of Maude Anderson.)

A. Since 1939—it was only a two-room house when I bought it. You can see that it is built on all around. There are six bedrooms on it, and a kitchen, pantry and bathroom.

Q. The room that Gloria Bowman occupied, Mrs. Anderson—do you recall when that was built on there?

A. Yes. I was having some building done before War broke out. I don't just remember what time.

Q. Isn't it true, Mrs. Anderson, that you knew Gloria Bowman was coming to your house and that is why the new room was built?

A. Absolutely not. I was building on every year, as I could.

Q. And had you expanded your business every year?

A. No, but I was building on the place.

Q. Can you tell me, or do you know when the soldiers were paid in Sitka in 1941?

A. I don't remember.

Q. Do you remember them as having been paid on the first of each month?

A. I guess that is when they do get paid. I don't just remember. [145]

Q. Did you tell Margie Miller during the time you made the arrangement or had the conversation with her in November to have some of the girls fly up in order to be there for the Army pay day?

A. I did not.

Q. Isn't it true, Mrs. Anderson, the reference

(Testimony of Maude Anderson.)

in the telegram to air mail referred to sending prostitutes up by air plane? Isn't that true?

A. No. I don't remember what that meant.

Q. You don't remember what that meant?

A. I don't know what that telegram meant. I didn't pay any attention to it. I don't know what she meant by that telegram. That is why I didn't bother about it.

Q. When Margie Miller left Sitka in November, 1941, you were on friendly terms with her, were you not? A. What?

Q. When Margie Miller left Sitka in November, 1941, you were on friendly terms?

A. The first time or the last?

Q. November of 1941?

A. Yes. We had no arguments.

Q. You were friendly, were you not?

A. Yes.

Q. She worked for you? A. Yes.

Q. When you received this telegram from Margie Miller, what did you do?

A. I didn't do anything.

Q. What did you think it meant?

A. I didn't know what it meant. I didn't know what she meant [146] by it.

Q. Have you heard this telegram, Mrs. Anderson? You had it in your possession. Did you hear it read yesterday?

A. Yes, I heard it read.

Q. You say now, you don't know what she meant when she said in the telegram, "Air mail two dresses today?"

(Testimony of Maude Anderson.)

Mr. Monagle: Technically he left out some words.

Q. "Air mail two dresses today send coat on North Coast need the three badly," signed "Marg." What did you think that meant?

A. I wouldn't know what it meant. She wasn't sending me anything. I didn't order anything.

Q. What did she mean, if you know, when she said, "Send coat on North Coast?" What did you do as a result of that phrase?

A. I didn't do anything.

Q. You were friendly with her, weren't you?

A. Yes.

Q. You testified yesterday, Mrs. Anderson, that the first time you saw Jean La Rue was at the Lake View Cottage on December 3, 1941. Is that correct? Do you recall your testimony?

A. Who is that?

Q. Yesterday, Mrs. Anderson, you testified that the first time you saw Gloria Bowman was at the Lake View Cottage on December 3, 1941?

A. Yes. I think it was the third. As near as I could remember, it was on the third.

Q. How do you recall the date as being on the third?

A. It was about seven days before War broke out. War broke out on the seventh.

Q. Do you recall the North Coast as having come in on that day?

A. I don't just remember.

Q. You received this telegram on the 29th of November, isn't that correct?

(Testimony of Maude Anderson.)

A. I wouldn't know when.

The Court: If it is anything about the telegram, look at it.

A. (Looked at telegram): I don't remember when it came.

The Court: Did you make any reply to it?

A. No, sir.

The Court: Why didn't you, if you say you didn't understand what it was about?

Mr. Robertson: We take exception to that question by the Court as incompetent, irrelevant and immaterial. A person doesn't have to answer a telegram.

The Court: That is a question for the Jury to decide.

Mr. Robertson: We take exception to your Honor's question.

The Court: What is the answer?

Q. You haven't answered the question, Mrs. Anderson.

The Court: Read the question.

Court Reporter: "Why didn't you, if you say you didn't understand what it was about?"

A. The reason I didn't was it didn't concern me. I didn't know what she meant by it.

The Court: What was the answer?

Court Reporter: "The reason I didn't was it didn't concern me. I didn't know what she meant by it."

Q. You mean you want the Jury to believe the telegram was from a good friend and employee of yours and you didn't do anything about it?

(Testimony of Maude Anderson.)

A. I didn't know what she meant. I wouldn't answer something I [148] didn't know anything about.

Q. Getting back to the day Gloria Bowman arrived, I believe your testimony yesterday was that she was brought to you by some other employee of your house, isn't that correct? Isn't that your testimony of yesterday? A. Yes.

Q. What conversation, if any, did you have with Gloria Bowman when she was brought to you?

A. She asked me for a room and I told Lulu to show her the room. That was all.

Q. What was the purpose, if you know, of her coming to your house? Do you understand my question? I will reframe it. Do you know whether or not she came to your house as a prostitute or as a roomer?

A. Well, they all know what those places are over there. That is all I know.

Q. And you knew, too? A. Why, sure.

Q. Did you ask her how old she was?

A. Yes, sir.

Q. How old did she tell you?

A. Going on twenty-four years old.

Q. She didn't tell you she was only seventeen?

A. Absolutely not.

Q. Did you tell her at that time, when she went to Doctor Scharpenberg or Doctor Chartereis, to report for an examination preliminary to being a prostitute? A. They all do.

Q. Did you tell her that?

(Testimony of Maude Anderson.)

A. I don't just remember. [149]

Q. You could have?

A. I was sick and I don't remember whether I did or not.

Q. That was the custom, wasn't it?

A. They all do that.

Q. Did you tell her to report to the police for finger printing and registering?

A. They all have to.

Q. Did you tell her that?

A. I don't remember.

Q. Do you know whether or not Gloria Bowman reported to Doctor Scharpenberg or Doctor Chartereis, or the Police Department?

A. Yes, she did.

Q. You knew that she did? A. Yes.

Q. You heard Gloria Bowman testify yesterday that you said to her when she came into your room, "You are the new girl from Seattle. I have been expecting you." Is that correct? A. No.

Q. You heard her say that? A. Yes.

Q. It isn't correct? A. No.

Q. You heard her testify that a new room had been built on for a girl? A. No.

Q. What was it for?

A. I am building all the time.

Q. What kind of room was it? A kitchen? A bath? A. It was a bedroom and an alcove.

Q. A room to be used for prostitution, wasn't it?

A. It was a bedroom.

Q. Did Gloria Bowman give you one dollar out of each three that she earned, Mrs. Anderson?

(Testimony of Maude Anderson.)

A. She did not.

Q. Through what channels did the money go through to get to you, if you know?

Mr. Monagle: We object. How would she know where it came from?

Mr. Jernberg: If the Court please, in a lucrative business it would be good practice. Maybe Mrs. Anderson can testify.

A. I was never around any of the money.

The Court: I think we understand the situation.

Q. Now, Mrs. Anderson, did Gloria Bowman start right to work that day, the day she arrived?

A. I couldn't tell you. I wasn't out there.

Q. You testified a minute ago that you received notice she had cleared with the doctor and Police Department and had been given clearance?

A. I can't tell you whether or not——

Mr. Robertson: The witness never testified that she received notice. You asked her if she knew she had reported and she said she did.

The Court: Well, all right. Reframe your question.

Q. You testified here a minute ago that you knew she had reported to the doctor and the Police Department. How did you learn that?

A. I told you they all did. That was customary.

Q. When did she start working as a prostitute in your house?

A. I couldn't tell you. I was under the doctor's care myself at [151] the time.

Mr. Tollefsen: I move that the last remark be

(Testimony of Maude Anderson.)

stricken, and the witness be admonished to refrain from——

The Court: I didn't hear it. Read the answer.

Court Reporter: "I couldn't tell you. I was under the doctor's care myself at the time."

The Court: Just answer the questions. Don't interpose things that are not germane to the question.

Q. I believe you testified a few minutes ago, Mrs. Anderson, that when Margie Miller left the management of the house was turned over to Lulu Coleman?

A. Yes.

Q. Why did she bring Gloria Bowman into your room to see you, do you know?

A. No, I don't.

Q. Wasn't it because you were actually running that house and expecting Gloria Bowman to come and take that room?

A. There was other rooms besides that. There was other rooms. There were two more empty rooms.

Q. For girls you were expecting by airplane?

A. No.

Q. There were three available rooms?

A. That was Margie's room that she had moved out of.

(Recess.)

Mr. Jernberg: May I proceed?

The Court: Yes, you may proceed.

Q. Yesterday, Mrs. Anderson, you testified that you did not have any conversation with Margie

(Testimony of Maude Anderson.)

Miller in November, 1941, regarding girls. Is that correct? [152]

A. That is correct, for myself.

Q. Do you recall whether or not you said yesterday "for myself?" A. I don't remember.

Q. Isn't it true you testified that you didn't have a conversation regarding girls? A. Yes.

Q. Your testimony this morning was that you did have a conversation regarding girls. Is that correct? Do you remember saying that in response to Mr. Monagle's question?

A. I said I didn't have any conversation about girls for myself.

Q. That was this morning you said that?

A. Yes.

Q. You didn't say that yesterday, did you?

A. No.

Q. You testified this morning that you were going to rent a place to Margie Miller and Margie would furnish it. Is that correct?

A. That is correct.

Q. Is that the same place you talked to Mr. Rands—that you testified you talked to Mr. Rands about?

A. Yes, the place next to the Lake View Cottage.

Q. You testified this morning you made an agreement with Mr. Rands?

A. We talked it over, about fixing the house, about building on rooms.

Q. You heard Mr. Rands' testimony yesterday?

(Testimony of Maude Anderson.)

A. I hadn't come to any decision. I asked him what it would cost. He hadn't figured it out.

Q. Had you ever figured out the cost or the plans of the place before Margie left?

A. No, we hadn't.

Q. Did you ever build that place, Mrs. Anderson? [153]

A. No, that place was not built.

Q. Then it is true that you did not have a contract with Mr. Rands?

A. We talked it over, but he hadn't given me any information how much it would be.

Q. Mrs. Anderson, have you ever been convicted of the commission of a crime?

Mr. Monagle: May it please the Court——

The Court: She may answer.

Mr. Monagle: We object unless she is asked if she has ever been convicted of a felony. We take an exception.

The Court: Reframe your question.

Q. I will withdraw the question. Mrs. Anderson, who was Rita Hemp? Did she work for you over there?

A. She worked for me in my private home and took care of my mother and I.

Q. When did she start working for you?

A. 1942; I think it was after my home was built.

Q. In June of 1943 at Sitka, Alaska, did you make this statement to Rita Hemp: "I hope to

(Testimony of Maude Anderson.)

God they never find Margie, because if they do I am a goner?" A. I never.

Mr. Jernberg: That is all.

Re-direct Examination

By Mr. Monagle:

Q. Mrs. Anderson, Mr. Jernberg asked you if you ever did build this place that you testified you talked about building for Margie Miller, and you answered that you did not build it. Why [154] didn't you build it?

A. War broke out, and I changed my mind about building. I figured we would all be evacuated and didn't want to put anything more out. If we were going to be evacuated I didn't want to build anything.

Q. When Margie Miller returned from Seattle after she had gone south in the fall of 1941 after Thanksgiving or about Thanksgiving time, after she returned from that trip, did you and she have any conversation in Sitka at any time or place as to why you hadn't built that house? Answer "Yes" or "No." A. I didn't get that.

Q. After Margie Miller returned from the States after her trip of November, 1941, did you and she have any conversation in Sitka about why you hadn't built that house?

A. All I told her was on account of the War breaking out I didn't build and had changed my mind.

Q. What did Margie Miller say?

(Testimony of Maude Anderson.)

A. Well, she got pretty mad about it.

Q. Now, Mr. Jernberg asked you about—questioned you about your conversation with Margie Miller regarding girls. What if any conversation did you have with Margie Miller in Sitka, Alaska, in November, 1941, with reference to girls?

Mr. Tollefsen: I don't believe that is proper cross-examination. That matter was covered on direct-examination.

Mr. Monagle: If the Court please, Mr. Jernberg asked what the testimony was yesterday and what it was today regarding the conversation with Margie Miller about girls. I think the Jury is entitled to hear it.

The Court: She has already testified about it.

Q. Now, Mrs. Anderson, the District Attorney has asked you about this telegram. What effect, if any, did that telegram of itself have on your business?

Mr. Tollefsen: If the Court please, that is a matter to be left to the Jury—what effect it had.

Mr. Monagle: We have a right to explain.

The Court: What the effect was on her business? I don't understand. You can ask what she understood by it. She has already testified that it didn't mean anything to her.

Mr. Monagle: May it please the Court, it is proper to show why it was sent.

The Court: Why?

Mr. Monagle: Sure.

The Court: She testified she didn't know anything about it.

(Testimony of Maude Anderson.)

Mr. Monagle: We objected to its introduction in the first place, that it had no purpose and didn't prove anything.

The Court: That is a matter for the Jury to determine. She has testified already that it didn't mean anything to her, that she didn't know what it was all about—in substance.

Mr. Monagle: Mr. Jernberg says: "When was the soldiers paid," "When did Gloria Bowman get there;" and tied in or tried to tie in Margie Miller, Gloria Bowman, the soldiers' pay day, and to show she worked on that night she arrived; the Government tried to tie that in; and I have a right to show you can't send girls by telegram.

The Court: We all know you can't send girls by telegram.

Mr. Monagle: We have contended all the time that the [156] telegram was not answered and wasn't binding on her. We renew our objection and ask that the Jury be instructed to disregard——

The Court: The Jury heard the testimony in this case, and it is for them to say what the telegram amounts to or what credence they see fit to give it.

Mr. Monagle: We take an exception, if the Court please.

Q. Did you know Margie Miller's address during the period from on or about November 29, 1941?

A. No, I didn't.

Q. Did you know her address at any time within a week before or after, or after that date?

(Testimony of Maude Anderson.)

A. No, I never.

Q. This telegram says: "Air mail—"; this telegram which is Government's Exhibit Number "1," is from Marg, "M-a-r-g," to you. It says: "Air mail two dresses today." Did you have any dresses of Margie Miller's? A. No, I didn't.

The Court: Dresses?

Q. She says: "Air mail two dresses today." It further says: "Send coat on North Coast." Did you have any coat belonging to Margie Miller?

A. No, I never.

Q. Now, Mrs. Anderson, this telegram, which is Government's Exhibit Number "1," has the further words: "Need the three badly." Do you know what those four words mean?

A. Unless it would mean in that cabin. I never bothered about the telegram.

Q. You heard Margie Miller testify it had reference to girls being sent up by airplane and Jean La Rue being sent up by boat. [157]

Now, did you need those three girls, or any other three girls, badly at that time? A. No, sir.

Q. As a matter of fact how large was your house? How many bedrooms?

The Court: She has already testified to that.

Mr. Monagle: I think I have a right—

The Court: I don't see any occasion for going over it again. She has already testified that there were three vacant bedrooms at that time.

Q. Where was Margie working in this house?

Mr. Jernberg: When, Mr. Monagle?

(Testimony of Maude Anderson.)

Q. In November, 1941?

A. She had the bedroom right off the side kitchen.

Q. Was her bedroom vacant or filled when she was gone? A. It was vacant.

Q. That was one of the three bedrooms that was vacant? One was Margie's bedroom?

A. That is right.

Q. Now, the District Attorney asked you a few moments ago if you knew when Jean La Rue, also known as Gloria Virginia Bowman, started working in the Lake View Cottage in Sitka in 1941, and you answered that you didn't know when she started to work. Why didn't you know when she started working?

A. I was sick in my bed, and I wasn't running the place.

Mr. Jernberg: We object.

The Court: Sustained.

Mr. Monagle: Exception. We have a right to explain why she didn't know.

The Court: It doesn't make any difference. The only [158] pertinent thing is only if she did know.

Mr. Monagle: We take an exception, if the Court please.

Q. You heard the District Attorney ask the question who Rita Hemp was. How old is Rita Hemp? A. I wouldn't know.

Q. Young or old?

A. Well, she is not young, but I wouldn't know. A colored woman—I never could tell how old they are.

(Testimony of Maude Anderson.)

Q. What were her duties in connection with you? A. She worked at my home.

Q. Doing house work?

A. Yes, that is right.

Mr. Monagle: I think that is all, may it please the Court.

Re-cross Examination

By Mr. Jernberg:

Q. Now, Mrs. Anderson, you testified that Margie Miller's room was the first room off the kitchen. Is that correct? A. That is correct.

Q. She quit working for you a week prior to her departure for Seattle. Isn't that correct?

A. That is correct.

Q. This conversation you testified as having with Margie Miller upon her return the following January, 1942, relative to the house, is that the same conversation when she asked you if you collected the \$70.00 from Gloria Bowman?

A. She never asked me about that.

Mr. Jernberg: That is all. [159]

Re-re-direct Examination

By Mr. Monagle:

Q. When Margie Miller came back to Sitka after her trip to the States in November, 1941, do you know why she came back, or did she tell you why she came back? A. She said——

The Court: We are not going into that.

Mr. Monagle: We take an exception, may it please the Court.

(Testimony of Maude Anderson.)

The Court: It isn't proper Re-direct examination any way and is not responsive to anything that was asked her on cross examination.

(Respective attorneys and Court Reporter approached the Bench, out of hearing of the Jury.)

Mr. Monagle: We offer to prove by this witness on the stand and by other witnesses that Margie Miller came back to Sitka, intending to start her own place of prostitution in a building leased from Maude Anderson, in January, 1942, and had transported Gloria Bowman to Sitka with the intent of having said Gloria Bowman work in said Margie Miller's house of prostitution, and that when Margie Miller returned to Sitka from Seattle in January, 1942, she was quite angry because a building was not ready so she could start her own house of prostitution, and stated in the presence of Lou Dixon Northrup and Irene Holmquist that she would get even with Maude Anderson if it took her the rest of her life.

The Court: You had half a dozen opportunities to ask her this question. It is certainly not proper Re-direct [160] Examination.

Mr. Monagle: The Court ruled me out. I submit to the record. The District Attorney objected and they were sustained on it.

The Court: The offer will be denied.

Mr. Monagle: We take an exception, may it please the Court.

(Testimony of Maude Anderson.)

(Respective attorneys and Court Reporter left the Bench, and were again within hearing of the Jury.)

Mr. Monagle: That is all.

(Witness excused)

The Court: Is there any rebuttal? Are you through (addressing Mr. Monagle)?

Mr. Monagle: We have two witnesses who are subpoenaed to be here, and we have arranged for their transportation by airplane. It has been impossible to get them here. The case was set for trial next Wednesday, and it is no fault of the defendant they weren't here or subpoenaed at an earlier date. We offered to charter a plane, but it hasn't been physically possible to get them here. The airplane company advised me that they would get them here this afternoon if it is possible to get to Sitka and Lena Bay.

Mr. Jernberg: Mr. Rands was here. We object to a continuance. These witnesses reside at Sitka too.

The Court: I don't understand your asking for a continuance.

Mr. Monagle: We are asking for the right to put on our [161] rebuttal testimony.

Mr. Jernberg: Are you resting at this time?

Mr. Monagle: No. We have two witnesses. Both of the District Attorneys know why Mr. Rands was here. I will explain it in the absence of the Jury. I can explain it very easily, if the Court desires.

The Court: The Jury will be excused until 2:00 o'clock.

(Whereupon the Court admonished the Jury, and the Jury retired from the Court Room.)

Mr. Mongle: It wasn't our purpose, and isn't our purpose to delay this trial, but the Court knows there was a case went by the board—the defendant plead guilty—which it was anticipated would be on trial at this present moment. Naturally we didn't subpoena our witnesses who we expected to get. The Government subpoenaed Mr. Rands for the 3rd of April. He was subpoenaed as their witness. He was found favorable to us and unfavorable to them, so I subpoenaed him.

The Court: What about the other witnesses?

Mr. Monagle: The subpoenas are issued and served.

The Court: Have they been subpoenaed?

Mr. Monagle: Yes.

The Court: When?

Mr. Monagle: Day before yesterday. They answered by wire that they would be here as soon as physically possible. They were subpoenaed as soon as we knew this case was on trial. The subpoenas were sent by wire. It was the only physically possible thing we could do. If we had known, we could have got them over here Monday, [162] but no planes flew over here yesterday whatever. I have checked with the airplane company—last night late and also this morning—they thought about two or three they might get over this afternoon.

The Court: I am not going to delay the case on that account. You are supposed to be ready any time the case is called. That is a rule of court.

Mr. Monagle: The calendar was only just set. The other case was set first. We didn't know—the defendant can't afford to bring witnesses weeks ahead like the Government.

The Court: It is just as much to the interest of the defendant to get her witnesses here as the Government.

Mr. Monagle: I don't mind a week ahead. We anticipated that.

The Court: We are not going to wait on them. In any event, if they get here today, or in the progress of the case, we will hear them, but otherwise we are not going to delay the case on that account. Has the Government any rebuttal?

Mr. Jernberg: No, your Honor. The defendant hasn't rested.

Mr. Robertson: The defendant hasn't rested, and we don't intend to rest until they get here. If the Court says we have to, we will make an offer of proof what the witnesses will testify.

Mr. Jernberg: I didn't mean to be repetitious and annoy Mr. Robertson, but the Court asked me if I had any rebuttal, and we don't have to put on any rebuttal until the defense rests, as I understand my procedure, Mr. Robertson. [163]

The Court: There is nothing in the file to indicate that any witnesses have been subpoenaed by the defendant, other than the witness Rands.

The Clerk: There is in the office. It was just returned this morning.

The Court: Well, bring it in.

Mr. Monagle: May it please the Court, we will file with the Court a wire from one of the witnesses to the effect that they will be here as soon as physically possible.

Mr. Robertson: They tried to get an airplane out yesterday, but because of this Taku wind they couldn't get out. We are not trying to delay the Court.

The Court: Is this the only subpoena (indicating a paper from the file of the case)?

Mr. Monagle: Both witnesses are subpoenaed.

The Court: This is for Henry Green, a witness on behalf of the Government.

Mr. Robertson: The subpoenas were wired to Sitka for the deputy to make service. I wouldn't think they had been returned. As a matter of fact, I think the Sitka deputy would make the return.

The Court: The Clerk ought to have some record of it, if any subpoena was issued. Subpoenas are issued by the Clerk. They certainly would have a record in the Clerk's Office.

The Clerk: They were issued, your Honor, for Sitka, but there hasn't been a return on them.

The Court: Look into it. In the meantime Court will stand adjourned until 2:00 o'clock. [164]

The following is a true copy of the subpoena and of the United States Marshal's service thereon, namely:

In the United States District Court for the Territory of Alaska, Division No. 1.

Received April 5, 1945 Crim. Docket No. 26348
for service by Deputy Bryant

United States of America,

Territory of Alaska—ss.

The President of the United States of America,

To Irene Holmquist and Lu Dixon Northrup,
Greeting:

You Are Hereby Commanded to appear before the District Court of the United States, for the Territory of Alaska, at Juneau, in said District, on Thursday, the 5th day of April, A. D. 1945, at 2 o'clock P. M., of that day to testify as a witness on behalf of the Defendant in the case of United States of America vs. Maude Anderson, and depart not the Court without leave thereof or of the United States Attorney. Hereof fail not.

Witness The Honorable Geo. F. Alexander Judge of said Court, and the Seal thereof affixed at Juneau in said Territory, this 4th day of April, A. D. 1945.

[Seal]

J. H. WALMER,

Clerk

By /s/ P. D. E. McIVER,

Deputy

Filed in the District Court Territory of Alaska,
1st Division at Juneau Apr. 12, 1945 P. M. J. H.
Walmer, Clerk. By /s/ P. D. E. McIver, Deputy.

United States of America

Territory of Alaska

Division Number One—ss.

I, Wm. T. Mahoney, United States Marshal, hereby certify that I received the within subpoena on the 5th day of April 1945, at Sitka, Alaska, and that I served the same on the 5th day of April, 1945 at Sitka, Alaska, by reading and showing the original and delivering a ticket containing the substance thereof to each of the within named witnesses, Lu Dixon Northrup and Irene Holmquist, personally and in person except Irene Holmquist. (Irene Holmquist left Sitka, Alaska, April 3rd on board the boat 31C469 for her place at Kalinin Bay)

Dated at Sitka, Alaska, this 7th day of April 1945.

WM. T. MAHONEY,

U. S. Marshal

By /s/ FRED BRYANT

Deputy [165]

(Whereupon Court recessed until 2:00 o'clock P. M. April 6, 1945, reconvening as per recess, with all parties present as heretofore and the Jury in the box; whereupon the following took place:)

The Court: You may proceed.

Mr. Monagle: May it please the Court, the two witnesses I informed the Court about prior to ad-

jourment at noon have not arrived. I checked with the airplane company a few minutes ago.

The Court: Well, we will have to proceed.

Mr. Monagle: In that case I would like to make an offer of what the two absent witnesses would testify to.

The Court: The Jury may be excused until called.

(Whereupon the Court admonished the Jury, and the Jury retired to the Jury Room.)

Mr. Monagle: May it please the Court, we move at this time that the case be continued until the arrival of Lou Dixon Northrup and Irene Holmquist from Sitka. These two witnesses were subpoenaed as soon as the defense knew that the case would be on for trial—that is day before yesterday—and they would have been here if it was possible for an airplane to get to Sitka and bring them here. They were prevented, the plane was prevented from going for and bringing them because of the Taku wind that was blowing yesterday and today. There is no other means of transportation that would get them here in less than sixteen hours, except an airplane. It is physically impossible for them to get here. It has been physically impossible for them to get here by any means of transportation [166] since they were subpoenaed. This case was originally set for next Wednesday for trial and was moved up because in another case the defendant plead guilty and the case did not go to trial. The witnesses could have arrived here

on a regular steamer, on the Northland, bringing them back to Juneau Monday. They would have arrived here not later than next Monday night, which would have been twenty-four hours,—

The Court: You mean last Monday?

Mr. Monagle: No. The Northland went yesterday to Sitka. Had the case come up on the date regularly set for it, they would have been here by Monday and the witnesses would have been here. We offer to prove by these two witnesses that Margie Miller informed them that she intended to set up her own private house of prostitution and obtain girls to work therein, and that Maude Anderson was going to do some work on and enlarge a building so that Margie Miller could use it for a house of prostitution and we offer to prove by these two witnesses the further fact that when Margie Miller returned to Sitka, Alaska, from the States some time during the month of January, 1942, she stated, in substance, to each of these witnesses that she would get even with Maude Anderson for not building this house of prostitution for her in accordance with their agreement if it took her the rest of her life. I might inform the Court that the witness Irene Holmquist is a reputable housewife and has never been a prostitute or connected with prostitution in any way, to the best of our knowledge, and, I believe, has no criminal record of any kind. The witness Lou Dixon Northrup [167] has been a prostitute and was present in the Lake View Cottage in Sitka, Alaska, in November, 1941, when Margie Miller

was working there and when Margie Miller was managing the operations of said house of prostitution; that in the meantime Lou Dixon Northrup discontinued the practice of prostitution and, to the best of our knowledge, has not been practicing prostitution for a period of many months, and recently owned her own small mercantile store in Sitka, which she personally operated, and at present and for sometime last past has been employed as a laborer in the saw mill of the Columbia Lumber Company in Sitka, Alaska, and is and has been for many months living a reputable life. I would like also to add that the fees of the two witnesses have been advanced and arrangements have been made to pay their airplane fare and any delays and the cost of the charter trip on the airplane, and the only thing preventing the witnesses from being here is the inclement weather.

Mr. Jernberg: If the Court please, we haven't much to show about the offer that is material for impeachment purposes. There is no showing of Government witness Margie Miller—it is principally her who they are trying to attack—that she had any conversation with either of the two persons named. Miss Miller didn't testify to that. Apparently they are trying to attack the impeachee on some inconsistent statement she later made. I can't think of any testimony that Miss Miller made that would permit them to impeach her, in any event. Incidentally, I understand the subpoena has not been served. One of the witnesses is at Lena

Bay, and Lena Bay is twenty or [168] thirty miles from Sitka.

The Court: Where is the subpoena?

Mr. Jernberg: The original?

The Court: Where is the subpoena? Has it been returned at all?

The Clerk: It has not, your Honor. They were wired to Sitka, by the United States Marshal.

Mr. Monagle: It was absolutely necessary to send them by wire. They couldn't have gotten over since the case started.

The Court: The subpoena ought to be here then. What about it Mr. Marshal?

The Marshal: It was wired day before yesterday to the deputy in Sitka, with instructions Mr. Monagle gave me that transportation was paid for and arranged and for them to come to Juneau. We got a wire back from the deputy that he served one and the other witness was in Lena Bay.

The Court: Which did he serve?

The Marshal: I would have to look at the wire.

The Court: When did you get your subpoena?

The Marshal: The subpoena was sent to Sitka, the original. He served a subpoena ticket, according to his wire, and notified the plane to pick her up on the way in.

The Court: Which one was served?

The Marshal: I would have to go look.

Mr. Monagle: I can inform the Court that it was Lou Dixon Northrup. She wired that she got it. I would like to point out, and the record will show, that Mr. Robertson asked Margie Miller if

she knew Irene Holmquist, who [169] she was, how long she had known her, and whether or not she had a conversation with her in connection with the institution of her house of prostitution. I also submit he asked Margie Miller on the stand if she personally didn't know Lou Dixon Northrup, and thereby laid the foundation for the impeaching question.

The Court: That would not be sufficient ground for what you are seeking now to do.

Mr. Monagle: May it please the Court, he asked the witness Margie Miller the direct question and she denied it.

The Court: If she had a conversation with her?

Mr. Monagle: And if she had a conversation about setting up her own private house of prostitution, and if she hadn't threatened to get even with Maude Anderson.

The Court: That isn't what you stated in the beginning.

Mr. Robertson: I laid the foundation of the impeaching question of Miss Miller for both those witnesses, that she made threats against Mrs. Anderson. The record will show it. I laid the foundation and properly it shows she has onus against the defendant.

The Court: In any event, and whether you did or not, that is the very essence of your defense in this case, that this is a piece of spite work on the part of the prosecuting witness, and you do know that you must have that in even before the defendant is entitled to impeach, but that is no excuse

for not having the witnesses here. It is true I called a criminal calendar last Friday, which was the 30th of March, and I set the calendar tentatively, but I notified all defendants and their [170] attorneys to be ready at all times whenever their cases were called. I only set a time tentatively and as a matter of convenience. The defendant has been here in time, to my knowledge for at least ten days or two weeks. There is no reason why, if these witnesses were available, they shouldn't have been here. The motion for continuance will be denied.

Mr. Monagle: We ask for an exception, if it may please the Court.

The Court: Is there any other rebuttal?

Mr. Jernberg: No rebuttal, if the Court please.

Mr. Robertson: Before the Court calls in the Jury——

The Court: I understand the defense rests?

Mr. Robertson: The Court overruled our offer. We rest subject to our motion and exception.

The Court: The Court ruled on the motion. I am asking if there is anything further, if the defense rests?

Mr. Robertson: We have nothing further. We move the Court to instruct the Jury to return a verdict of not guilty against the defendant on the grounds that the Government entirely failed to make out a case. I rest this on—I am willing to rest this motion on this single point, your Honor—the indictment charges that on the 25th day of November, 1941, at Sitka, Alaska, and within the

jurisdiction of this Court, defendant “did, wilfully, unlawfully, feloniously and knowingly transport and cause to be transported and aid and assist in obtaining transportation for and in transporting, in interstate commerce, a woman for the purpose of prostitution and for immoral purposes, to wit: Gloria Virginia Knapp Bowman, alias [171] Jean La Rue, from Seattle, in the State of Washington, to Sitka, in the Territory of Alaska, contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States and the Territory of Alaska.” I make my point entirely upon the fact—“transport and cause to be transported and aid and assist in obtaining transportation.” I submit to your Honor for one to transport another or cause to be transported for immoral purposes, contrary to this statute, that either the defendant must personally transport or must do some actual thing that causes the other to be transported, and that to aid and assist, aid means to help, assist means to help, and that, so far as I have been able to find, there are no decisions on that particular point, but I submit in this case that there isn’t a single iota of evidence that this defendant transported this girl Jean La Rue, that she caused her to be transported, supplied any means that caused her to be transported, or that she aided, that is that she supplied any means which helped to transport that girl from Seattle to Sitka. I submit, your Honor, even at this time for the purpose of this motion, assuming the woman Margie Miller’s story is correct that

the defendant promised and agreed that she would repay her for such money as she expended in transporting that girl from Seattle to Sitka, that as a matter of fact a promise and agreement is not either transportation or aid in transportation, unless the promise or agreement is complied with by the accused having actually furnished or paid part of the means by which she was transported. [172]

The Court: I don't agree.

Mr. Roberson: I don't suppose you would.

The Court: I mean the point you just mentioned, and that she had actually to pay it.

Mr. Robertson: I don't say she actually had to pay the money, but she has to actually supply or help to supply the means by which she is transported, and there isn't a single bit of evidence in this case other than the promise—Margie Miller's statement that she promised and agreed that she was going to. There is no evidence which warrants this case going to the Jury, that she ever did promise and agree, and there is no outside evidence to corroborate her either as an accomplice or an agent. The only evidence I can see is this girl Jackie Lugo who ran in the room for two minutes and heard them talking about a code. There is no other independent evidence. Certainly a telegram by one person to another—that telegram is the alleged agent's verbiage, not the defendant's verbiage at all. There is no evidence at all to take this case to the Jury against this woman at this time.

The Court (addressing Mr. Jernberg): Do you wish to be heard?

Mr. Jernberg: If the Court please, regarding the second part of Mr. Robertson's motion he says that the testimony of Jackie Lugo does not supply sufficient corroboration to satisfy the statutes regarding accomplice's testimony. Then it is very difficult to see what would be necessary corroboration. Jackie Lugo did say she entered the room and they did plan this code, which was in fact conspiracy, and as an outgrowth both parties were charged, and she [173] heard them planning a code about girls. Margie Miller well knew what they were talking about, and the inference is that she knew exactly what they would be talking about. We maintain that fact, plus Gloria Bowman's testimony that Maude Anderson asked her for the fare in the amount that Mrs. Miller supplied, is sufficient corroboration to take it out of the statute which forbids conviction based on the testimony of an accomplice without corroboration.

Mr. Robertson: I made a motion the other day to strike Margie Miller's testimony. I called your attention, I think, to Section 5238.

The Court: You mean the corroboration statute?

Mr. Robertson: Yes, sir.

The Court: I am familiar with that.

Mr. Robertson: Here it is. Of course this is not a conspiracy charge, for one thing, but this statute 5352—first, I will read the whole section. It is very short. "A conviction can not be had upon the testimony of an accomplice unless he be

corroborated by such other evidence as tends to connect the defendant with the commission of the crime, and the corroboration is not sufficient if it merely show the commission of the crime or the circumstances of the commission." Now, I submit, if the Court please, that clause qualifies it. You have to have good evidence, strong evidence, positive evidence, to prove it. The law about agency—I don't think there is any. I called attention to 22 Corpus Juris 376 the other day. The charge against a principal has to be supported other than by an agent, otherwise the agent could bind anyone. [174]

The Court: The law is also if they aid or abet or assist in a crime that they are guilty as principals. As to the matter of corroboration, there is no doubt in the Court's mind on that question. The prosecuting witness testified here before she went south that had an understanding with the defendant here that she was to get her three girls, if she could, and that they agreed upon a code that the prosecuting witness was to use in notifying her as to what she did. She told the Jury what that code consisted of. Shortly after she arrived in Seattle she found some girls that were willing to come up here and wired the defendant accordingly, and according to the code she says that they had previously agreed on. When the girl does arrive up here—the first one arrives here—she was told by the prosecuting witness to go to the house of the defendant—and she said, she told the Jury that as soon as she got off the boat she ordered a cab to take her over to the

house of prostitution run by the defendant. She knew exactly what she was coming for and came for that purpose. She said she had been a prostitute before and came with her eyes wide open. She said the first thing defendant said was, "Oh, you are the girl from the States," and ordered her immediately to go to the doctor and be examined and go and register with the police—that seems to be a regular part of the procedure over there—and that she went to work the same day at her occupation for which she was hired. Now, if that isn't corroboration, then I don't know what it would need, what corroboration would be needed. Of course, summed up it means largely whether the Jury is going to [175] believe the prosecuting witness or the defendant, but it is not a matter for the court to say. There is certainly more than ample evidence to go to the Jury, and it is for the Jury to say as to whether or not this arrangement did exist and whether it was carried out, in other words whether the allegations of the indictment have been proved. To my mind there is no question in the world about the corroboration—that is about the evidence—I am not expressing any opinion as to the weight of the evidence—but certainly there is infinitely more there in the way of corroboration than has ever been held necessary in any case that has ever come under my observation. The motion will be denied.

Mr. Robertson: We take an exception, your Honor.

The Court: Exception will be allowed. Call the Jury.

Thereupon defendant requested the Court to instruct the Jury, which request the Court refused, as follows:

Defendant's Requested Instruction No.

You are instructed in this case, before you can find the defendant guilty, you must find beyond a reasonable doubt that the defendant did wilfully, unlawfully, feloniously and knowingly transport and cause to be transported and aid and assist in obtaining transportation for and in transporting, in interstate commerce, the witness Gloria Virginia Knapp Bowman alias Jean LaRue from Seattle to Sitka.

And unless you find that the defendant did so transport, cause to be transported, or aid and assist in obtaining transportation for such witness Bowman you must find the defendant not guilty. And you are instructed that to transport or cause to be transported means that the defendant either herself transported or else furnished the means to transport, and that to aid or assist in obtaining transportation means to furnish means which either did or helped to transport such witness Bowman from Seattle to Sitka, and that a promise or agreement by defendant to furnish the means [176] of such transportation, if she did not actually furnish such or any of such means of transportation, does not constitute the defendant guilty of the crime with which she is charged.

Thereupon argument was had by counsel for the respective parties and thereafter the Jury was duly

admonished and the Court then recessed until 10:00 o'clock A.M. the following day, April 7, 1945, at which time it reconvened and thereupon at 9:55 A.M., April 7, 1945, defendant requested the Court to instruct the jury, which request the Court refused, and who then endorsed upon said request: "Presented at 9:55 a. m. Sat. a. m. too late for consideration under our rules. Case finished Friday, 4:30 p.m. and jury instructed Saturday, 10 a.m.", as follows:

Instruction No. 5

You are instructed that acts or declarations, which were done or made by the witness Margerie Miller and which were claimed to be done or made by her on behalf of the defendant, in any wise connected with the alleged commission of the crime charged in the indictment herein are not to be considered by you in your deliberations unless you find beyond a reasonable doubt from evidence, other than the testimony of said witness Miller, that said witness Miller was the agent of the defendant in doing said acts or making said declarations.

In other words the witness Miller cannot by her own acts or declarations establish herself to have been the agent of the defendant in the alleged commission of said crime because the relation of agency, if any, between the witness Miller and the defendant must be established by affirmative evidence other than the acts, statements or declarations of the witness Miller.

You are therefore instructed that regardless of what acts or declarations the witness Miller admit-

ted she did or made in the commission of said crime, you should not find that she did or made any of them as agent of the defendant unless you first find beyond a reasonable doubt from other evidence than said witness Miller's testimony, as hereinabove instructed, that said [177] witness Miller then and there was the agent of the defendant.

Thereupon at 9:55 a.m., April 7, 1945, the defendant requested the Court to instruct the Jury, which request the Court refused, and who then endorsed upon said request: "Presented at 9:55 a.m. Saturday a.m. too late for consideration under our rules. Case finished Friday, 4:30 p.m. and Jury instructed Saturday, 10 a.m.", as follows:

Instruction No. 6

The laws of Alaska provide that the testimony of an accomplice ought to be viewed with distrust and that a conviction cannot be had upon the testimony of an accomplice unless he be corroborated by such other evidence as tends to connect the defendant with the commission of the crime, and the corroboration is not sufficient if it merely shows the commission of the crime or the circumstances of the commission.

You are therefore instructed that you cannot find the defendant guilty of the crime charged in the indictment herein upon the testimony of the witness Miller alone or upon her testimony and other corroborative evidence which tends, if you so find, to connect the defendant with the commission of said crime but which corroborative evidence merely

shows, if you so find, the commission of said alleged crime or the circumstances thereof.

You are further instructed that you must find the defendant not guilty unless you find beyond a reasonable doubt that the witness Miller's testimony, if you find therefrom beyond a reasonable doubt that she and the defendant were accomplices in the commission of the crime charged in the indictment, was corroborated by other evidence and that such other corroborative evidence not only tended to connect the defendant with the commission of the crime charged in the indictment herein but also was of such nature that you find beyond a reasonable doubt that it more than merely shows the commission of said crime or the circumstances thereof.

That the following is a copy of Rule 30 of the Court [178] in effect at all times during the trial of said cause, namely:

“Rule 30—Instruction to Jury.

In every case, civil or criminal, tried before a jury, the attorney for each side may, as soon as the jury is impanelled, submit to the court copies of such requests for instructions as he desires the court to charge; additional requests may be submitted at any time before the argument on the submission of the case to the jury is concluded; each request shall be on a separate sheet of paper, and counsel may cite thereunder the authorities supporting each request.”

Thereupon at 10:00 o'clock a.m., April 7, 1945, the Court charged the Jury as follows:

Same Title of Court and Cause.

Court's Instructions to the Jury.

No. 1

Ladies and Gentlemen of the Jury:

We have now reached the point in the trial of this case where it becomes the duty of the Court to instruct you as to the [179] law that will govern you in your deliberations upon the facts in this case.

When you were accepted as jurors in this case you obligated yourselves by your oaths to well and truly try the matter in issue between the Government of the United States and the defendant, and a true verdict render according to the law and the evidence as given to you on the trial. That oath means that you are not to be swayed by passion, sympathy or prejudice, but your verdict should be the result of a careful consideration of all the evidence in the case and the instructions of the Court as to the law in the case.

It is not for you to say the law should be one thing or another, but you should follow the instructions of the Court in that respect. It is the exclusive province of the Court to declare the law of the case and it is your duty as jurors to follow the instructions the Court may give you in your deliberations and in arriving at a verdict in this case.

On the other hand it is the exclusive province of the jury to declare the facts in the case, and your decision in that respect, as embodied in your verdict, when arrived at in a regular and legal manner, is final and conclusive upon the Court. Therefore probably the greater ultimate responsibility in the

trial of the case rests upon you, because you are the triers of the facts.

No. 2

The charge on which the defendant is on trial before you is contained in the Indictment returned against her by the Grand Jury, which reads as follows:

“The Grand Jurors of the United States and the Territory of Alaska, impaneled, sworn, and charged at the term aforesaid, of the Court aforesaid, on their oath present that Maude Anderson [180] on or about the 25th day of November, 1941, at Sitka, in Division Number One, Territory of Alaska, and within the jurisdiction of said Court, did, willfully, unlawfully, feloniously and knowingly transport and cause to be transported and aid and assist in obtaining transportation for and in transporting, in interstate commerce, a woman for the purpose of prostitution and for immoral purposes, to-wit: Gloria Virginia Knapp Bowman, alias Jean LaRue, from Seattle, in the State of Washington, to Sitka, in the Territory of Alaska, contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States and the Territory of Alaska.”

No. 3

The statute which the defendant is charged with having violated is Section 398, Title 18 United States Code Annotated; 36 Statute 825; which provides:

“Section 398. Transportation of Woman or Girl for Immoral Purposes, or Procuring Ticket. Any

person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce, or in any Territory or in the District of Columbia, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice; or who shall knowingly procure or obtain, or cause to be procured or obtained, or aid or assist in procuring or obtaining, any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in any Territory or the District of Columbia, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent or purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby any such woman or girl shall be transported in interstate or foreign commerce, or in any Territory or the District of Columbia, shall be deemed guilty of a felony, and upon conviction thereof shall be punished," etc.

You will note that the specific charge against the defendant is that she did on or about the 25th day of November, [181] 1941, at Sitka, in Division Number One, Territory of Alaska, and within the jurisdiction of this Court, willfully, unlawfully,

feloniously and knowingly transport and cause to be transported and aid and assist in obtaining transportation for and in transporting, in interstate commerce, a woman for the purpose of prostitution and for immoral purposes, to-wit: Gloria Virginia Knapp Bowman, alias Jean LaRue, from Seattle, in the State of Washington, to Sitka, in the Territory of Alaska.

In this connection I instruct you that the essential elements of the offense charged are:

First. That the offense charged took place at Sitka, Alaska, and within the First Division of Alaska and within the jurisdiction of this Court, on or about the 25th day of November, 1941, the exact time being immaterial, provided it took place within three years prior to the finding of this indictment.

Second. That at said time and place said defendant did transport or cause to be transported, or aided or abetted or assisted in obtaining transportation for and in transporting, in interstate commerce (that is, from the City of Seattle, in the State of Washington, to Sitka, in the Territory of Alaska), one Gloria Virginia Knapp Bowman, alias Jean LaRue, for the purpose of prostitution or for immoral purposes.

Third. That said Gloria Virginia Knapp Bowman, alias Jean LaRue, was so transported for the purpose of prostitution or for immoral purposes.

Fourth. That the defendant did the acts alleged in the indictment, willfully, that is purposely; un-

lawfully, that is against the law; feloniously, that is wickedly and against the admonition of the law and maliciously; and knowingly.

If the Government has proven each of these elements to your satisfaction beyond a reasonable doubt, then you should find [182] the defendant guilty as charged.

If the Government has failed to prove any of these elements to your satisfaction beyond a reasonable doubt, or you entertain a reasonable doubt thereon, you will find the defendant not guilty.

In this connection you are also instructed that Sitka, Alaska, is in Division Number One of the Territory of Alaska, and within the jurisdiction of this Court.

No. 4

The indictment in this case, as in all cases, is merely the formal accusation presented against the defendant by the grand jury. You can indulge in no presumption against her simply by reason of the fact that she has been indicted, because an indictment is no evidence of guilt.

The defendant has pleaded not guilty to the indictment. That plea denies and puts in issue every material averment of the indictment, and cases upon the Government the burden of proving every such averment to your satisfaction beyond a reasonable doubt.

A "reasonable doubt" as here used, does not mean just any whimsical, arbitrary or purely speculative doubt or guess which may occur to your minds regarding the guilt of the accused, nor mere excuses

that you may conjure up without foundation or out of sympathy for the accused or out of a kindness of heart. Nor does it mean the unfounded bare possibility of the defendant's innocence.

A "reasonable doubt" in this connection, is such a condition of the mind as results from a careful and impartial comparison and consideration of all the evidence, or lack of evidence before you, and makes it impossible for you to candidly and truthfully say, in your own minds, upon your oaths as jurors, that you have an abiding conviction, to a moral certainty, of the truth of the charge. [183]

No. 5

In the prosecution of this case the Government relies to some extent upon the testimony of Marguerite Miller. Marguerite Miller is admittedly an accomplice in the crime charged against the defendant.

"Accomplices" are defined as all persons who participate in an offense as principals, and "principals" as all persons acting together in the commission of an offense.

Our statute provides:

"Section 5044, Compiled Laws of Alaska, 1933.—Principals, who Deemed Such. All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the crime or aid and abet in its commission, though not present, are principals, and to be tried and punished as such."

You are, therefore, instructed that, if you believe from all the evidence in this case beyond a reasonable doubt that the defendant Maude Anderson was concerned in the commission of the crime charged or aided or abetted in its commission, though not present, and whether she directly committed the act constituting the crime or merely aided or abetted in its commission, though not present, you may find her guilty as a principal.

No. 6

You are instructed that our law also provides:
Section 5352, Compiled Laws of Alaska, 1933.

“Sec. 5352. Testimony of Accomplice Must be Corroborated. A conviction cannot be had upon the testimony of an accomplice unless he be corroborated by such other evidence as tends to connect the defendant with the commission of the crime, and the corroboration is not sufficient if it merely show the commission of the crime or the circumstances of the commission.”

In this connection I instruct you that the witness Marguerite Miller is what is known in law as an accomplice, and I further instruct you that the corroboration required by the statute is corroboration of the accomplice's testimony to the effect that the defendant Maude Anderson did actually [184] commit the act constituting the crime charged, or aided or abetted in its commission. It is not necessary, however, that the defendant be present at the time the arrangements were perfected pursuant to which Jean LaRue came to Sitka, if you believe such ar-

rangements were made, or that the defendant paid her transportation or any part thereof. It is sufficient if she agreed with or directed the witness Marguerite Miller that she, the said Marguerite Miller, should procure a girl or girls for her to be transported in interstate commerce for the purpose of prostitution or other immoral purposes, or agreed to pay such girl's transportation or other expenses in connection therewith, and that pursuant to such agreement or directions that the witness Marguerite Miller procured the girl Jean LaRue to come from Seattle, Washington, to Sitka, Alaska, for the defendant, for the purpose of prostitution or other immoral purposes and that defendant agreed to reimburse or pay the witness Marguerite Miller for said girl's transportation or expenses or any part thereof. (Page 7)

I further instruct you that in consideration the guilt or innocence of the defendant you may take into consideration all of the facts and circumstances tending to connect the defendant with the commission of the crime charged, as well as that above mentioned, and if, after a full and fair consideration thereof, you find beyond a reasonable doubt that the defendant did commit the crime charged or aided or abetted or assisted in its commission, at the time and in any of the ways or manners charged in the indictment, then you will find the defendant guilty as charged. If you do not so find, you will find the defendant not guilty. (Page 8) [185]

No. 7.

The law presumes every person charged with crime to be innocent, and this presumption is not merely a matter of form, but is a right guaranteed by law to every person accused of crime. This presumption of innocence continues with the defendant throughout all the stages of the trial and until the jury has found that this presumption has been overcome by the evidence of the Government in the case beyond a reasonable doubt as to each and every material fact. This rule as to the presumption of innocence is a humane provision of the law, intended to guard against the conviction of innocent persons, but it is not intended to prevent the conviction of any person who is in fact guilty, or to aid the guilty to escape punishment.

No 8.

The defendant has offered herself as a witness in her own behalf. In this connection you are instructed that while the law makes the defendant a competent witness in this case, yet you have a right to take into consideration the fact that she is the defendant and her situation and her interest in the result of your verdict, and all the circumstances which surround her, and to give to her testimony such weight as, in your judgment, it is fairly entitled to. In other words, when the defendant offers herself as a witness in the case and testifies in her own behalf she becomes as any other witness in the case and her credibility and the weight of her tes-

timony are to be subjected to the same tests as are applied to other witnesses.

No. 9.

You, Ladies and Gentlemen, subject to the law as contained in these instructions, are the sole and exclusive judges of the facts in this case and of the credibility of the witnesses and of the effect and value of evidence addressed and submitted to you at the trial, except where such evidence is declared by the [186] Court to be conclusive.

You are, however, instructed by the Court that your power of judging the effect of evidence is not arbitrary but is to be exercised by you with legal discretion and in subordination to the rules of evidence; that the oral admissions of a party should be viewed with caution; that evidence is to be estimated not only by its own intrinsic weight but also according to the evidence which it is in the power of one side to produce and of the other to contradict; and therefore if weaker and less satisfactory evidence is offered when it appears that stronger and more satisfactory evidence was within the power of the party offering it, such evidence should be viewed with distrust.

Before reaching a verdict you will carefully consider and compare all the testimony; you will observe the demeanor of the witnesses upon the stand, their interest in the result of your verdict, if any such interest is disclosed; their knowledge of the facts in relation to which they have testified; their opportunity for hearing, seeing and knowing

the facts; the probability of the truth of their testimony; their intelligence or lack of intelligence, and all the other facts and circumstances given or appearing in evidence surrounding the witnesses at the trial.

You are not bound to find in conformity with the declaration of any number of witnesses which do not produce conviction in your minds, against a less number or against a presumption or other evidence satisfying your minds. The direct evidence of one witness except as noted as to an accomplice whom you find is entitled to full credit is sufficient for proof of any facts in this case, and a witness willfully false in one part of his testimony may be distrusted in other respects. Whenever it is possible you will reconcile the testimony. Where, however, it is not possible to do so, you should give credence to that testimony [187] which, under all the facts and circumstances of the case, appeals to you as the most worthy of belief.

You are also instructed that the opening statements of counsel and the arguments of counsel are not evidence; and unless supported or borne out by testimony received in the case are not to be considered by you as such.

In considering your verdict you are instructed that any testimony which has been ordered stricken by the Court should not be considered by you for any purpose.

I also instruct you that the matter of punishment is not your concern and should not be considered by you for any purpose. Your duty consists wholly

in finding the guilt or innocence of the defendant on the offenses charged. The matter of punishment is exclusively for the Court.

No. 10.

You are to consider these instructions as a whole. It is impossible to cover the entire case with a single instruction, and it is not your province to single out one particular instruction and consider it to the exclusion of all the other instructions.

As you have been heretofore instructed, your duty, is to determine the facts of the case from the evidence submitted, and to apply to these facts the law as given to you by the Court in these instructions.' The Court does not, either in these instructions or otherwise, wish to indicate how you shall find the facts or what your verdict shall be, or to influence you in the exercise of your right and duty to determine for yourselves the effect of evidence you have heard or the credibility of witnesses, because the responsibility for the determination of the facts in this case rests upon you and upon you alone.

I think, Ladies and Gentlemen, that during the trial I [188] have made no comment on the facts and expressed no opinion in regard thereto; but if I have, or if you think I have, it is your duty to disregard that opinion entirely, or anything I may have said indicating such to you, because the responsibility for the determination of the facts in this case rests upon you and upon you alone, and should be decided by you solely from the evidence submitted in the case.

No. 11.

When you retire to your jury room you may take with you the indictment, the admitted exhibits and these instructions.

You will then elect one of your number Foremen, whose duty it will be to represent you and speak for you in court and sign the verdict you agree upon. All twelve of you must concur in any verdict you reach.

You will be given one form of verdict. On this form of verdict you will find a blank before the word "guilty." If you find the defendant not guilty, you will write the word "not" in the blank before the word "guilty." If you find the defendant guilty, you will draw a line through the blank before the word "guilty."

After you have agreed upon verdict, you will return it into court according to the facts as you find them.

You may now retire and consider your verdict, without fear and without favor, without sympathy, passion or prejudice, and a true deliverance make between the Government and the prisoner at bar, on your oaths as jurors.

Thereupon defendant then and there duly excepted, as hereinafter stated, to the the hereinafter quoted portions of the Court's instructions, to which particular portions of said instructions the Court's attention was then called, namely: [189]

Mr. Robertson: The defendant takes exception to Court's Instructions No. 5, page 6, and calls the Court's attention to the fact that the language,

in the defendant's opinion, puts a burden upon the defendant as though it was admitted in the case that she is an accomplice, whereas the only admission, by our view, is the admission of Margie Miller that she is an accomplice. I submit the burden is upon the Government to prove that the defendant is an accomplice of Margie Miller.

The Court: I say that Margie Miller has admitted being an accomplice.

Mr. Robertson: We also take exception to the Court's Instruction No. 6. In that connection I call attention to Defendant's Requested Instruction 5 and 6 and the Requested Instruction I handed the Court yesterday. We feel in that that the Court's instruction does not bring out the fact that the statute requires that the corroborated evidence of an accomplice must go further than simply tending to connect the defendant with the commission of a crime. It isn't sufficient if it merely shows the commission of the crime or the circumstances of the commission of the crime, and it seems to us that the Court's language, particularly in lines 8 to 15 on page 7 of Instruction No. 6, does not thoroughly bring out that fact or that statute. We also except to lines 14 to 32 on page 7 of Instruction No. 6, because we contend that is contrary to the law, that the defendant must have actually done something other than making an agreement or a promise, that she must have either actually caused the transportation or supplied means to aid or help in the transportation, as we tried to set forth in the Requested Instruction 1 we filed with the Court yesterday.

Whereupon, after the parties orally agreed that the jury might return a sealed verdict, the jury retired and thereafter on April 9, 1945, returned into open Court its verdict which was [190] in words and figures as follows:

“We, the jury, duly empanelled and sworn to try the above entitled cause, find that the defendant Maude Anderson is guilty as charged in the indictment.”

which verdict was thereupon filed.

Be It Further Remembered, that thereafter, to-wit, on the 10th day of April, 1945, the defendant duly and regularly filed her motion for acquittal, which is in words and figures as follows, to-wit:

Same Title of Court and Cause.

DEFENDANT'S MOTION FOR ACQUITTAL

Comes now the defendant and moves that judgment for her acquittal be made and entered herein and renews her certain motion, which she respectfully submits was in substance a motion for acquittal, which she made in open court at the conclusion of the evidence at the trial of the above cause and in which motion she moved that the Court direct the jury to return a verdict herein that she was not guilty.

This motion is based upon the records and files herein and within five days after the jury in the above case was discharged and returned its certain verdict herein finding her guilty, which verdict was

filed herein on April 9, 1945, and which verdict is contrary to both the law and the evidence.

Respectfully submitted,

/s/ M. E. MONAGLE,

/s/ R. E. ROBERTSON,

Attorneys for Defendant.

That thereafter, to-wit: on the 2nd day of May, 1945, said motion for acquittal of defendant came regularly on for hearing and the Court being fully advised in the premises overruled and denied the same, to which ruling and Order of the Court the defendant, by counsel, then and there excepted.

(Order entered Journal No. 17, at page 4.) [191]

Be It Further Remembered, that thereafter, to-wit: on the 10th day of April, 1945, the defendant duly and regularly filed her motion for Judgment notwithstanding the Verdict, which is in words and figures as follows, to-wit:

Same Title of Court and Cause.

MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT

Comes now the defendant and respectfully moves that, notwithstanding the verdict of the jury heretofore filed herein on April 9, 1945, Judgment be entered herein discharging the defendant, upon the ground that said verdict was contrary to both the law and the evidence adduced at said trial.

Respectfully submitted,

/s/ M. E. MONAGLE,

/s/ R. E. ROBERTSON,

Attorneys for Defendant.

That thereafter, to-wit: on the 2nd day of May, 1945, said motion for Judgment notwithstanding the Verdict came regularly on for hearing and the Court being fully advised in the premises overruled and denied the same, to which ruling and order of the Court the defendant, by counsel, then and there excepted.

(Order entered Journal No. 17, Page 4.)

Be It Further Remembered, that thereafter, to-wit, on the 10th day of April, 1945, the defendant duly and regularly filed here motion for a new trial, which is in words and figures as follows, to-wit:

[Title of District Court and Cause.]

MOTION FOR A NEW TRIAL

Comes now defendant and respectfully moves that she be granted a new trial upon the following grounds, to-wit:

1. Irregularities occurring at said trial and the exercise of abusive discretion by the trial Judge, by which this defendant was prevented from having a fair trial, in that: the Court at the trial refused to grant the defendant time for the arrival of Lou Dixon and Irene Holmquist, who were material witnesses to her defense and who would have impeached the witness Marjorie Miller and shown that the latter had told said Dixon and Holmquist that she, Miller, was aggrieved at defendant and intended to get even with her even though it took all the rest of her, Miller's, life, notwithstanding that subpoenas had been issued for said Dixon and

Holmquist and defendant in good faith had arranged to bring them to Juneau to testify at the trial in her defense by airplane, which was the only available means of transportation but which airplane could not go from Juneau to the places where said Dixon and Holmquist were and return them to Juneau because a strong storm, known locally as a Taku wind, prevailed in Juneau and also in that area of Southeastern Alaska through which said airplane had to travel in order to pick up [193] said witnesses and bring them to Juneau, which said storm prevailed throughout April 5th and 6th, 1945, on which days defendant's trial in this cause was being held in Juneau, and which storm prevented airplanes flying on said days, and that defendant had no means of anticipating that such storm would arise and that she would be unable to obtain the attendance of said Dixon and Holmquist; all of which more fully and clearly appears in the stenographic notes of the official court stenographer, taken at said trial, which by reference thereto are hereby made a part hereof.

2. For numerous errors committed by the trial Judge in said trial, to which exception was taken by the defendant at said trial, and all of which appear in the stenographic notes of said official court stenographer, which notes by reference are hereby made a part hereof, and particularly in admitting evidence, over defendant's objections, adduced by the witnesses Miller, Bowman, Kavander and Mansfield, and in admitting in evidence, over defendant's objections, plaintiff's Exhibits Nos. 1

and 2, and in refusing to receive, though duly offered, certain evidence, as appears in said stenographic notes, from defendant and from the witness Rands.

3. Error committed by the Court, to which exception was duly taken, in giving to the jury his instructions 5 and 6, and not giving in substance and effect that certain written requested instruction filed with and presented to the Court on April 6, 1945, or defendant's certain two requested instructions Nos. 5 and 6.

4. That the evidence adduced at said trial was insufficient to justify that certain verdict finding the defendant guilty, which verdict was filed herein on April 9, 1945, and that [194] it is against the law, and that said verdict is contrary to the weight of evidence and is not supported by substantial evidence.

5. The court erred in denying defendant's motion, which was in substance and effect a motion for acquittal, made by her at the conclusion of the evidence, in which she moved that the Court direct the jury to return a verdict finding her not guilty.

6. That defendant was substantially prejudiced and denied a fair trial by reason of the following circumstances: The attorney for the government, in his final argument before the jury, over defendant's objections, stated what purported to be the law governing violations of the statute of which by the in-

dictment herein the defendant was accused of having violated.

Respectfully submitted,
/s/ M. E. MONAGLE,
/s/ R. E. ROBERTSON,
Attorneys for Defendant.

Copy received April 10, 1945.

/s/ R. L. JERNBERG,
Assistant United States Attorney.

[Endorsed]: Filed April 10, 1945 p.m. [195]

That thereafter, to-wit: on the 2nd day of May, 1945, said Motion for a New Trial came regularly on for hearing and the court being fully advised in the premises overruled and denied the same, to which ruling and order of the Court the defendant, by counsel, then and there excepted.

(Ordered entered Journal No. 17, Page 4.)

And thereafter and on May 4, 1945, the Court made and entered its Judgment and Commitment herein, to-wit:

(Same Title of Court and Cause.)

JUDGMENT AND COMMITMENT

Now, to-wit, on this 4th day of May, 1945, this matter came before the Court for the imposition of sentence upon the above named defendant, Maude Anderson, upon the verdict of the Jury, duly im-

paneled, sworn and charged in the above-entitled cause, by which verdict the said defendant was found guilty of the crime of Knowingly Causing And Aiding Transportation Of A Woman in Interstate Commerce For Purpose of Prostitution, in violation of Title 18, U. S. C. A., Section 398, as charged in the Indictment heretofore on the 24th day of October, 1944, returned by the Grand Jury and filed herein; the defendant being present in person and represented by her counsel, M. E. Monagle and R. E. Robertson; R. L. Tollefsen, Assistant United States Attorney, appearing for and on behalf of the United States; the defendant being asked if she had any good and sufficient reason to state why sentence should not now be imposed upon her, to which she offered none, and the Court being fully advised in the premises,

Hereby Orders, Adjudges and Decrees that it is the Judgment of the Court that the defendant, Maude Anderson, is guilty of the crime of Knowingly Causing And Aiding Transportation Of A Woman In Interstate Commerce For Purpose Of Prostitution, in violation of Title 18, U.S.C.A., Section 398, as charged in said Indictment, and it is the Sentence of the Court that the defendant [196] be imprisoned in the Federal Penitentiary at McNeil Island, Washington, or in such other institution as the Attorney General of the United States may direct, for a period of Three (3) Years, and that the defendant pay to the United States of America a fine of Two Thousand Five Hundred Dollars (\$2,500.00), that it have execution there-

for, that the defendant be committed to said Penitentiary until said fine is paid, and that said defendant stand committed until the sentence herein imposed is fully executed and paid, and

It Is Further Ordered that the Clerk of this Court deliver a certified copy of this Judgment and Commitment to the United States Marshal or other qualified officer and that the same shall serve as a commitment herein.

Done in open Court this 4th day of May, 1945.

/s/ GEO. F. ALEXANDER,
District Judge.

Entered Court Journal No. 17, Page 20.

[Endorsed]: Filed May 8, 1945, p.m.

And thereafter and within less than five days of the entry of said Judgment and Commitment and on May 8, 1945, the defendant filed her Notice of Appeal herein.

Whereupon, on defendant's motion the Court allowed the defendant ninety days in which to file a transcript of the record, and ninety days within which to make and file her Bill of Exceptions and have said Bill of Exceptions allowed, and ninety days within which to make and file her assignment of errors.

And thereafter on August 4, 1945, and within the time allowed therefor, and at the same term of Court at which said Judgment and Commitment

was made and entered, the Defendant filed herein her Bill of Exceptions and Assignment of Errors. Thereafter, in pursuance to Plaintiff's motion, amendments were made to the said Bill of Exceptions so heretofore filed by Defendant, and [197] thereupon in pursuance to orders from time to time duly made and entered as to the time for Defendant to present and have settled and allowed her Bill of Exceptions, the following order was made and entered:

ORDER SETTLING AND ALLOWING BILL OF EXCEPTIONS

Now on this day the foregoing Bill of Exceptions having been filed herein on August 4, 1945, and having thereafter been amended in accordance with Plaintiff's motion and now being presented to me within the time allowed for the filing thereof by order and the rules of this Court and at the same term of Court at which Judgment was entered herein on May 4, 1945, sentencing the defendant to serve three years in the penitentiary and to pay a fine of \$2,500.00,

Therefore, I, Geo. F. Alexander, District Judge for the First Judicial Division of the Territory of Alaska, who presided at the trial of the above entitled cause do hereby certify that the foregoing Bill of Exceptions is correct and speaks the truth in every particular and contain all the proceedings, evidence, Court's instructions, material facts, matters and things, objections, ruling and exceptions

thereto occurring upon the trial of said cause and not heretofore made a part of the record herein; and also a full and complete copy of Rule No. 30 of this Court now and during all of said proceedings in full effect and force; and

I further hereby certify that the foregoing Bill of Exceptions complies with all the rules of this Court relative to the presentation, settlement and filing of the Bill of Exceptions and with all orders made by me relative thereto, and that said Bill of Exceptions was presented and is hereby settled and allowed within the time prescribed for that purpose at the same term of Court at which said Judgment was rendered and entered.

Done in Open Court this 27th day of August, 1945.

GEO. F. ALEXANDER,
District Judge.

Approved as amended.

R. L. TOLLEFSEN,
Acting U. S. Atty., Aug. 25,
1945.

O. K.

HOWARD D. STABLER,
For Deft.
M. E. MONAGLE,
For Deft.

[Endorsed]: Filed Aug. 4, 1945. [198]

[Title of District Court and Cause.]

ASSIGNMENT OF ERRORS

Comes now the defendant Maude Anderson, by her attorneys, and respectfully assigns in connection with her petition for appeal herein, the following errors committed in the proceedings and the trial of the above entitled cause, which she intends to urge upon the hearing of the appeal herein and upon which she relies to reverse the judgment entered herein on May 4, 1945, against her whereby she was sentenced to be imprisoned in the United States penitentiary at McNeil Island, Washington, or such other institution as the Attorney General of the United States might direct, for a period of Three (3) Years, and to pay a fine of Two Thousand Five Hundred (\$2,500.00) Dollars, and ordered to stand committed until such sentence was fully executed and paid:

I.

The Court erred in receiving in evidence over defendant's objection the evidence of the witness Marguerite Miller, namely:

Q. Who was the girl?

A. This Gloria Bowman.

Q. What took place?

A. I asked her if she wanted to come up here.

Mr. Monagle: We object to any conversation that took place there as not being in the presence of the defendant.

Mr. Jernberg: She hasn't been asked that.

The Court: You can't ask what the conversa-

tion was but you can ask what was done or what arrangements were made.

A. I made arrangements with her to come up here and to leave on the same boat I went down on, to be in time for the soldiers' pay day. I advanced her \$70.00 of my own money.

Q. For what?

A. Transportation, cab fare, and some money to have while on the boat, a little bit to spend.

Q. Was any arrangement made for repayment?

A. I told her to give the money to Maude.

Mr. Monagle: We object to any conversation regarding arrangements down there.

The Court: What arrangements? With who?

Mr. Tollefsen: Gloria Bowman.

The Court: By this witness?

Mr. Tollefsen: Yes.

The Court: I don't think it is material any way.

Mr. Tollefsen: If the Court please, we have already established that the witness was acting for the defendant. Consequently the arrangements made between the defendant and this witness have to be carried through this witness to the third party, and are binding on the defendant if the jury is convinced beyond a reasonable doubt.

Mr. Monagle: We don't agree that is the law. Any conversation that took place between this witness—or any conversation, unless in the defendant's presence——

The Court: It would be if she was acting as agent. [200]

Mr. Monagle: There is no foundation.

The Court: She testified that she arranged, before she went down, with the defendant that if the girls were not able to do so that she was to pay the fare and would be reimbursed when she got back.

Mr. Monagle: She also testified that she made arrangements to get a place of her own from Maude Anderson. That is her testimony.

The Court: I don't recall that.

Mr. Monagle: I submit to the Court Reporter.

Mr. Tollefsen: That would be taking it out of the jury's hands at this point. It has certainly been established, if they believe her testimony, that there is an agency there and that she was procuring girls for the defendant, and we are entitled to go into that. She was acting as agent for the defendant. If the jury doesn't believe an agency existed, they can find some other possible explanation. That does not make it inadmissible.

The Court: I didn't hear that.

Mr. Monagle: I submit that she testified she was running a place owned by Maude Anderson, and then——

The Court: She was running it?

Mr. Monagle: And Maude got another woman to run it and arranged to——

The Court: Let the Court Reporter read that testimony.

Court Reporter: "I gave up working for Maude. She had another girl come, and she was going to build me another place of my own, so

when this girl came, I took a trip out. We decided I should make a trip to Seattle."

Mr. Tollefsen: If there is any doubt on it, I would [201] like to be heard further, but the jury should be excused.

The Court: The matter ought to be cleared up right now. Who were you procuring Gloria Bowman for?

A. For Maude Anderson.

The Court: And in the arrangements you made with Gloria Bowman who were you acting for?

A. Maude Anderson.

The Court: At all times?

A. At all times.

The Court: Did you have any interest in Gloria Bowman yourself?

A. No, I didn't.

The Court: The money you advanced her you advanced for Maude Anderson?

A. Yes.

The Court: Under a previous arrangement with her?

A. Yes.

The Court: Go ahead.

Q. What arrangement did you make, if any, with Gloria Bowman for repayment of the \$70.00?

A. She was to pay it back to Maude.

Mr. Monagle: We would like an exception. If the conversation took place in Seattle——

The Court: I understand that. If she was acting as agent for the defendant here, it would be admissible, certainly.

Mr. Monagle: We would like an exception, for the reason that there is no agency and no foundation has been laid, and anything said in Seattle is not binding on the defendant, and for the further reason that the witness [202] on the stand admitted being an accomplice in the deal, and that any testimony down there is incompetent, irrelevant and immaterial.

The Court: There is no objection that I know of as a basis for your exception.

Mr. Monagle: The Court ruled she could answer the question. We object to her answering the question on those grounds I stated.

The Court: Objection be denied.

Mr. Monagle: Exception.

The Court: It will be allowed. Go ahead.

Q. Subsequent to your advancing this money to Gloria Bowman, do you know what she did?

A. Yes.

Q. What?

A. She worked as a prostitute.

Mr. Monagle: We object to that as hearsay. It would be entirely hearsay as to what Gloria Bowman did.

Mr. Tollefsen: If the Court please, I asked if she knew and she said she did.

The Court: It wouldn't be hearsay if she knew.

Q. What did she do after you gave her this money?

A. She went and bought a ticket and came back and showed me the ticket.

Q. What boat did she leave on?

A. The North Coast. The same one I went down on.

Mr. Monagle: We ask for an exception to all these questions as being incompetent, irrelevant and immaterial and not binding on the defendant—the defendant wasn't there. [203]

Mr. Tollefsen: If the Court please, there is no conversation involved in this line of questioning—

Mr. Monagle: If an exception isn't good on any other ground, it isn't primary evidence. Gloria Bowman is the best witness as to what she did.

The Court: She can testify to what she knows in carrying out the arrangement she claims to have made.

Mr. Monagle: We object on the ground that the witness performed acts for her, and that is the best evidence of fact.

The Court: That is not necessarily the only evidence. The witness may answer if she knows. She says she knows, and I assume she is testifying from personal knowledge. If she is, it is admissible.

Q. Did you state what boat she left on?

A. She left on the North Coast.

II.

The Court erred in receiving in evidence over defendant's objection the evidence of the witness Marguerite Miller, namely:

Q. Did you do anything else about procuring girls for Maude?

A. Yes. I got her two more girls.

Mr. Monagle: That is immaterial. She is not accused of bringing anyone but Gloria Bowman.

Mr. Tollefsen: If the Court has any doubt on that point, I would like to be heard in the absence of the jury.

The Court: Do you want to press that point?

Mr. Monagle: Yes, your Honor.

The Court: The jury will be excused until called.

(Whereupon the Court admonished the jury, and the jury retired to the Jury Room.) [204]

The Court: I will save time by stating that I think this testimony is admissible if she did secure two other girls in pursuance of the same arrangement, on the same trip. If you have authorities to the contrary, I would like to see them.

Mr. Monagle: My position on that line of questioning is that anything else she did is purely prejudicial—as to any other girls. The defendant is only accused in the indictment of bringing one girl up. If she brought some other girls, whether she is indicted for it or not, our client isn't. It is prejudicial to the jury.

Mr. Tollefsen: If the Court please, it naturally goes to the intent, motive and plan by showing other actions of the same type and character. We will introduce in evidence a communication with reference to the other two girls, as well as Gloria Bowman. It is necessary the evidence be introduced, to show the other two girls were being pro-

cured, in order that the documentary evidence will make sense regarding the same transaction.

The Court: Read the question asked just before this discussion started.

Court Reporter: "Did you do anything else about procuring girls for Maude?"

Mr. Tollefsen: Any acts we show whereby she procured any girls in Seattle for Maude Anderson indicates and substantiates the arrangement with Maude, that she was acting as agent in procuring these girls; not to convict her for bringing up any other girls she might have brought up; but to substantiate and indicate the plan [205] under which——

The Court: A general course of conduct.

Mr. Monagle: A general course of conduct as to other girls doesn't substantiate this. If the District Attorney is attempting to prove conspiracy, that is different.

The Court: It doesn't charge any.

Mr. Monagle: We submit there isn't any, if it please the Court.

The Court: I think the fact should be established clearly and conclusively that the procuring of these other two girls, if they were procured of course, was made pursuant to general instructions—not general instructions, but pursuant to the instructions from the defendant and was part of her mission down below, in other words part of a general plan.

Mr. Tollefsen: (To Court Reporter) Would you read that question back again?

The Court: Wait until the jury comes before asking any additional questions. Call the jury.

(Whereupon the jury returned to Jury Box.)

Q. I will withdraw the last question. I will ask you, if while you were in Seattle, you did anything else toward procuring girls for Maude Anderson, in accordance with your arrangement with her?

A. I got two girls.

Mr. Monagle: We object on the ground that it is not binding on the defendant and is incompetent, irrelevant and immaterial. [206]

The Court: It would be better to ask if the arrangement with the defendant was to get other girls, or how many girls, or what the arrangement was.

Q. Will you state again what the arrangement was about getting girls and how many?

Mr. Monagle: When and where, and what arrangements were made?

Mr. Tollefsen: I am asking the question.

Mr. Monagle: I would like to know where and when—I might object—Sitka or Alaska—where was the arrangement made?

Q. You previously made an arrangement in Sitka? A. Yes.

Q. Prior to your departure for Seattle?

A. Yes.

Q. At that time and place what arrangement did you have with Maude?

A. That I should bring three girls and, if I

could get another that was real good, to bring her.

Q. How many?

A. Three for sure, and if possible to get another because she would like to replace one she had, and put her in the place, but three any way.

Q. Pursuant to that arrangement did you do anything else in Seattle about getting girls, other than what you testified to regarding Gloria Bowman?

A. Yes. I got two more girls.

Mr. Monagle: Answer "yes" or "no".

The Court: Address your remarks to the Court.

Mr. Monagle: I don't have a chance to interpose my objections. [207]

The Court: She said that she did get two other girls.

Mr. Monagle: I move to strike the answer. She was asked if she did, not what she did. I move to strike the answer.

Mr. Robertson: If she would answer "yes" or "no", we would have a chance to object.

The Court: I don't think the witness understood the question. That answer was responsive to it. Objection denied.

Mr. Monagle: We will take an exception.

Q. What arrangement did you make with these other two girls?

Mr. Monagle: We object to that on the same grounds stated—incompetent, irrelevant and immaterial, and not binding on the defendant.

The Court: Overruled.

Mr. Monagle: We will take an exception. It will save time if we except to all questions of con-

versation and arrangements with any other person than the defendant here and Gloria Bowman, who she is charged with bringing up. If the Court will allow an exception to all questions and answers, it will save interrupting.

The Court: That is pretty broad. I am admitting this testimony as to any others than Gloria Bowman on the theory that it establishes a general course of conduct.

Mr. Monagle: Our objection is based on the ground that the defendant is not charged with a general course of conduct but with bringing Gloria Bowman up.

The Court: There is no crime of general course of conduct that I know of. Go ahead.

Mr. Tollefsen: (To Court Reporter) Will you read the [208] question back.

Mr. Monagle: Will the Court give us an exception to that question?

The Court: I can't rule on an exception of that kind.

Court Reporter: "What arrangement did you make with these other two girls?"

A. I made arrangements to have them come here by plane—to Sitka by plane—and advanced them the fare, the same as I did the other girl.

III.

The Court erred in receiving in evidence over defendant's objection the evidence of the witness Marguerite Miller, namely:

Q. Did you advise Maude Anderson you had procured these three girls? A. Yes.

Q. By what form of communication?

A. Telegraph and code message.

Q. Do you recall what was said in that message?

Mr. Monagle: We object, if the Court please. If a telegram was sent, and she said one was, the telegram is the best evidence.

The Court: It is if you have it.

Mr. Tollefsen: If the Court please, this telegram was sent to the defendant. Consequently it was not in the possession of this witness. We have the telegram but it was obtained by another witness. I want this witness to testify to what she sent so it can be identified when it is introduced in evidence.

The Court: If it is her telegram, she can identify it.

Mr. Tollefsen: Then I will ask the Court to let me withdraw this witness and call the witness who has it, and then—— [209]

The Court: Can't you show her this telegram and have her identify it as the message she sent—not on the same paper, but the identical message?

Mr. Monagle: If it is the same message she sent, anything she sent is not binding on the defendant.

The Court: As to the telegram——

Mr. Monagle: Anyone could send you a telegram but it would not be binding on you, would it?

The Court: We are wasting time, under the circumstances, as your client ought to know whether the telegram was sent to her.

Mr. Monagle: I haven't seen it, but I don't like it in the record.

Mr. Robertson: They should produce it and let us look at it.

The Court: You are entitled to before it is introduced.

Mr. Tollefsen: I will ask that the telegram be marked for identification, and I will show it to this witness and a subsequent witness, and show it is the same telegram that was obtained by the subsequent witness. I would like to have it marked so the record will show it is the same telegram being testified to by both witnesses.

The Court: It may be marked for identification.

(Whereupon the telegram, which was subsequently received in evidence as plaintiff's Exhibit No. 1, was marked plaintiff's Exhibit No. "A" for identification.)

Q. I will show you Plaintiff's Exhibit "A" for Identification and ask if that is the telegram which you sent?

The Court: To the defendant Maude Anderson.

Q. To the defendant Maude Anderson, regarding these three girls?

Mr. Monagle: May it please the Court, let the witness be instructed to answer "yes" or "no" to that question. [210]

The Court: That is what she is asked.

Q. Is that the telegram you sent?

A. Yes; that is the same message any way.

IV.

The Court erred in receiving in evidence over defendant's objection the evidence of the witness Marguerite Miller, namely:

Q. I will withdraw that. Did you receive a letter from the defendant regarding those girls?

A. Yes.

Q. Where is that letter?

A. I haven't got it. I destroyed it.

Q. Will you state what the letter contained? It has been established the letter was destroyed.

Mr. Monagle: May it please the Court, I think the question should be more definite as to when the letter was dated, when it was received, and where it was sent from. She testified the letter was destroyed. Under the rules of private rights, we have the right to know who it came from, and when, and it must be authenticated.

The Court: She said it was from the defendant Maude Anderson. About when did you receive this letter?

A. I received it when I was in Los Angeles, shortly after the [211] War was declared. That would be along——

The Court: Before or after you sent the girls up here?

A. After—that I received the letter.

The Court: Did it have to do with the sending of these girls up here?

A. Yes.

The Court: How?

A. Yes, it did.

Q. What did the letter say?

Mr. Monagle: We object, may it please the Court, on the grounds that it is not binding on the defendant, is not substantiated or authenticated, and is something that happened after the date of the defendant's being accused of committing the crime, and wouldn't be binding on her.

The Court: Certainly her own writing should be binding on her. The witness testified she had a letter from her shortly after War was declared, and in relation to this girl transaction.

Mr. Monagle: We have a right to know whether it was written by Maude or typewritten.

The Court: Maybe your client has a copy of it.

Mr. Robertson: We take exception to the Court's insinuation from the Court's own mouth.

The Court: The Court doesn't mean to convey such an impression. The line of objection is such that I am trying to find out what counsel does want any way.

Mr. Monagle: The only thing we want is to limit the proof to what defendant is charged with. He can't go a year after or two years behind. She isn't giving any date when it was received in Los Angeles. [212]

The Court: I beg your pardon. She said it was about the time War was declared. She said she was in Los Angeles, and this letter she received, as I understand it, was received there about the time War was declared. Is that what you said?

A. Yes, right afterwards.

The Court: It is a matter of general knowledge when War was declared.

Mr. Monagle: It is at least forty days after the date she is charged with the crime—well, it is two weeks after she testified she sent the girl up, on the same boat she went down on, and she left the last part of November.

The Court: I asked her if it had to do with this same transaction, this girl transaction. If it is, it is admissible.

Mr. Monagle: The only thing is how can she “aid and assist” after the girl is in Sitka, by her own testimony.

Mr. Jernberg: If the Court please, we believe we are pretty well supplied with authorities. If the jury will be excused, I would like to convince Mr. Monagle.

The Court: The Court is convinced already.

Q. Will you state what that letter contained?

Mr. Monagle: We object to all testimony about this letter on the grounds that it is not authentic and there is no proof as to the date or time and it is incompetent, irrelevant and immaterial and self-serving on the part of the witness.

The Court: Answer the question. Read the question.

Court Reporter: “Will you state what that letter contained?” [213]

A. In that letter Maude said the two girls hadn't shown up and she didn't know where they were. She was talking about the girls, the houses, and since the War was on they were having black-

outs and that business was bad and she might have to close. She said she decided not to build on to her mother's home for me.

Q. Did she state anything in that letter about Gloria Virginia Bowman?

A. Yes. She said one girl had arrived by boat, but those on the plane didn't.

V.

The Court erred in receiving in evidence over defendant's objection the evidence of the witness Marguerite Miller, namely:

Q. You were asked whether the two girls, Diana Crawford and Maxine, were going on the plane to Sitka. I will ask you what arrangement you made with them in Sitka for them to go to Sitka—in Seattle?

Mr. Robertson: We object on the grounds that it is incompetent, immaterial, irrelevant and not binding on the defendant, and it is not in proof of the accusation against the defendant.

The Court: The Court has already ruled on that. It sounds to me like repetition.

Mr. Robertson: We would like an exception.

Mr. Tollefsen: It might be a repetition but it is to clear up a question on Cross Examination.

Q. I will ask you what arrangement you made with Diana Crawford and Maxine in Seattle for their transportation to Sitka?

A. I made—— [214]

Mr. Robertson: We ask to be allowed the same exception.

A. I made arrangements for them to go by plane.

Q. And how much money did you advance to them?

A. I gave one 140 some dollars and the other 120 some.

VI.

The Court erred in admitting in evidence over defendant's objection Plaintiff's Exhibit No. 1, which reads as follows:

“Alaska Communication System,
Signal Corps, United States Army.
Received at 26 WXA B 14 WU
Seattle, Wash., Nov. 29, 1941, 5:03 a. m.
Maude Anderson, Lake View Cottage, Sitka.

Airmail two dresses today send coat on North Coast need the three badly. Marg.”

VII.

The Court erred in receiving in evidence over defendant's objection the evidence of the witness Elvira Cavender, namely:

Q. What sort of financial arrangements were made by you with Mrs. Anderson while you were working there?

Mr. Monagle: We object on the grounds that it is incompetent, immaterial and irrelevant. The defendant is not accused of bringing this witness to Sitka, as I understand it.

The Court: She may answer.

Mr. Monagle: We take an exception.

Mr. Tollefsen: Read the question please.

Court Reporter: "What sort of financial arrangements were made by you with Mrs. Anderson while you were working there?" [215]

A. What do you mean? Do you mean was that my transportation up there?

Q. I am referring to how much you paid for staying there or how much you were paid for working.

A. I paid room and board by the day, and of course there was a certain amount to be given her from each working. A certain amount is taken out of the money we made throughout the day. A certain amount is given to the landlady and we were allowed to keep the rest, and we paid room and board by the day.

VIII.

The Court erred in receiving in evidence over defendant's objection the evidence of the witness Elvira Cavender, namely:

Q. To what were they referring when they were talking about this code?

A. Well, it meant girls to bring up to Sitka.

Mr. Robertson: We object on the grounds that it is incompetent, and immaterial what was meant. I move to strike——

The Court: She can tell what was meant, if she knows.

Mr. Robertson: The objection is to what they meant. She didn't say what they said in the meantime. I move the answer be stricken.

The Court: I think it is responsive to the question. What did they mean?

Mr. Tollefsen: I will restate the question.

Mr. Robertson: The answer would be mere conjecture on the part of the witness.

The Court: It wouldn't be, if she knew. [216]

Mr. Robertson: She didn't testify if she knew.

The Court: That is what she was asked.

Mr. Robertson: I still object. We take an exception.

The Court: Go ahead with the examination.

Q. Do you know what was meant when they were talking about the code? A. Yes.

Q. What did they say?

A. It was girls. I heard the word "girl" mentioned. I heard it.

IX.

The Court erred in receiving in evidence over defendant's objection the evidence of the witness Gloria Virginia Knapp Bowman, namely:

Q. What were the circumstances under which you met her?

Mr. Robertson: We object on the ground that it is incompetent, irrelevant and immaterial, and not binding on the defendant.

The Court: She may answer.

Mr. Robertson: Exception.

A. Well, I was brought to the hotel by Billy Day, and she was there.

Q. What transpired at that time?

A. She asked me if I wanted to go to Alaska.

Mr. Robertson: I will renew my objection on the grounds that it is incompetent, immaterial and irrelevant, and transpired in the absence of the defendant.

The Court: Answer the question.

Mr. Robertson: Exception.

A. She gave me \$70.00, and I bought a ticket on the North Coast to Sitka, Alaska, and left the next day for Sitka. [217]

X.

The Court erred in receiving in evidence over defendant's objection the evidence of the witness Gloria Virginia Knapp Bowman, namely:

Q. What financial arrangement was there between you and Maude, if any, during the time you practiced prostitution in her house?

Mr. Robertson: We object on the grounds that it is incompetent, immaterial and irrelevant, and not proof of the charge.

The Court: Answer the question.

Mr. Robertson: Exception.

A. Down in Seattle I received \$70.00 or close to it from Margie Miller and I was supposed to pay Maude Anderson.

Mr. Robertson: We object.

The Court: That is not responsive.

Q. What financial arrangements were there with regard to your working for Maude?

A. Two dollars a day for board and room, and a third of what I made.

XI.

The Court erred in admitting in evidence over defendant's objection Plaintiff's Exhibit No. 2, which is a ship's manifest of the Steamer North Coast, Voyage No. 68 North, arriving in Juneau December 3, 1941, and showing the name of one, "Miss Jean La Rue".

XII.

The Court erred in denying defendant's motion, made at the conclusion of plaintiff's case in chief, namely: [218]

Mr. Robertson: The defendant now moves to strike all the testimony of the witness Margie Miller, relative to the alleged conversation between herself and the defendant in Sitka, and also to her transactions, dealings and conversations with Jean La Rue or Bowman, and other persons in Seattle, upon the ground that whether or not Margie Miller is produced as a witness and gave her testimony on the theory that she was an agent of the defendant or an accomplice of the defendant, that there is no corroborating evidence to sustain her testimony, and that under the law as to agency the declarations of an agent, to which she claims she is making them, or acts done on behalf of a principal, unless there is an admission of the principal to the existence of a relationship of principal and agent by the principal, or else that there is other competent proof than the evidence offered by the agent, and that she be treated as an accomplice. "A conviction can not be had upon the testimony of an accomplice unless he be corroborated by such other evidence as tends to connect

the defendant with the commission of the crime, and the corroboration is not sufficient if it merely show the commission of the crime or the circumstances of the commission." Section 5352, Compiled Laws of Alaska, 1933. And the principle of agency is in 22 Corpus Juris at Page 376. We submit at this time that there is no such corroborating evidence, that the only possible evidence that there is is circumstantial evidence and the circumstantial evidence is very slight, if of any weight whatsoever; that Jean La Rue testified that it was fifteen minutes after she had [219] entered this house in Sitka before she talked to Mrs. Anderson, and the only way she sought to tie Mrs. Anderson up with Margie Miller was by saying that Mrs. Anderson said in substance, as I recall her testimony, "Oh, are you the new girl who has come from Seattle?" There is no evidence whatsoever as to what that meant—even though it now stands admitted that if Mrs. Anderson did make such a statement, it hasn't been corroborated—or that the source of that information couldn't have been ascertained by Mrs. Anderson other than from the fact of a dealing between herself and Margie Miller. Furthermore, Jean La Rue herself says when she left this house about a month after she had been in it, up to that time Mrs. Anderson had never asked her to pay any transportation, then she claims a month later more than a month, probably six weeks after the alleged commission of the crime, that Mrs. Anderson asked her to make refund of this \$70.00. She made no statement in her evidence as to why or the reason, if any, Mrs. Anderson assigned as to

why, but just said in substance that she wanted her to repay \$70.00 which Margie Miller advanced for her transportation from Seattle. The other woman, Jackie Lugo,—her only testimony is testimony that she entered the private bedroom of Mrs. Anderson for two minutes and while there she heard them—Mrs. Anderson and Margie Miller—talking about arranging some kind of code and understood it was something about girls. That was the only positive evidence she gave. The telegram itself is no evidence and none was brought in, except by inference, as to why that telegram couldn't mean exactly as to what it reads. There [220] is no evidence that Mrs. Anderson ever saw that telegram or had that telegram, except that Mr. Mansfield testified he and Mr. Whitmore found it, if I understand correctly, inside a Valentine box or Valentine envelope, I took it, in a bureau drawer of some dressing table or something of that kind, in one of the rooms in Mrs. Anderson's house, and I submit to your Honor, that is not the kind of evidence required to corroborate an agent or accomplice, before the principal can be convicted of an alleged commission of a crime in which the agent was principally acting, and I think the Court will take judicial notice that the agent has plead guilty before this Court, that she committed the crime of furnishing the transportation, your Honor.

XIII.

The Court erred in refusing to admit the evidence of the defendant Maude Anderson as set forth in her offer of proof, namely:

Mr. Robertson: I made my offer. I think Miss

Maynard has got it but I will restate it. The defendant offers to prove by herself that in this conversation between herself and Margie Miller in the fall of 1941, shortly before Thanksgiving and shortly before the time that Margie Miller left Sitka and went to Seattle, and in her bedroom in this house that she was then living in in Sitka, she and Margie Miller being present, that arrangements were made by which this defendant agreed she would have Clarence Rands build a house for this Margie Miller, and this Margie Miller then and there told defendant that she wanted the house for the purpose of having a house of prostitution of her own, and we offer to make proof by this witness. [221]

XIV.

The Court erred in refusing to admit the evidence of the defendant Maude Anderson as set forth in her offer of proof, namely:

Mr. Monagle: May it please the Court, for the record, we offer to adduce evidence by the witness on the stand and by other witnesses as to the physical and mental condition of the defendant at the time the alleged crime was committed and at the time Jackie Lugo Cavender claims she went in the room to get change when Margie Miller was there and she heard some conversation about a code with reference to bringing girls up here.

The Court: Do you claim she was incompetent?

Mr. Monagle: No, not mentally, but that she was taking shots, and I might submit to the Court the reason why we [222] want to adduce the evidence.

Margie Miller testified that Maude Anderson was in bed when she talked to her about the code. Jackie Lugo Cavender testified that Maude was not in bed but was sitting up. Also we offer to submit proof by this witness on the stand and others that during the time that Margie Miller testified, or during the time that Jackie Lugo testified she went in to get change from Maude Anderson that Margie Miller herself was personally managing the house of prostitution, handling all the cash, and making all of the change, and that Jackie Lugo's testimony is false when she testified she went into that room to get change from Maude Anderson and that she got change from Maude Anderson.

The Court: If she says that is the truth, she can testify to it. I don't recall any such testimony as that.

Mr. Monagle: Jackie Lugo testified to it on the stand, that that is why she went in the room and was only in there two minutes, and she went in to get change.

Mr. Robertson: From Mrs. Anderson, and was in there two minutes and heard—

The Court: She said they were talking—

Mr. Monagle: She was asked and she answered, "I went in there—"

The Court: And that they were both in there—

Mr. Monagle: I mean to prove by these witnesses that is purely a fictitious story, unless there is some other reason. Her reason was to get change.

The Court: What do you mean? That she didn't go in to get change?

Mr. Monagle: And that she was not even in there. The [223] defendant testified she never had any conversation when Jackie Lugo was present.

The Court: You asked her about that already.

Mr. Monagle: All right, but it certainly impeaches Jackie Lugo's testimony.

The Court: We are not going into it any further.

Mr. Robertson: I don't know how far we can go about stating her general condition. For the record, we will state what we are going to show her physical condition is.

Mr. Monagle: May it please the Court, we can show by this witness and by competent other witnesses, and we can tender proof that Maude Anderson suffered a nervous breakdown shortly prior to this, within a few months, and was in very poor mental condition, that she was suffering from arthritis, heart trouble and asthma, during the time, and was under the doctor's care and is still under the doctor's care for these ailments, and that she was in great pain and under the influence of medicine.

The Court: In other words, she didn't know what she was doing at any time?

Mr. Monagle: No, that is not the inference.

The Court: It certainly would be the inference.

Mr. Monagle: I don't mean——

The Court: That in a condition like that, she didn't know and does not now——?

Mr. Monagle: A person in great pain is—like when they came in to arrest her and the F.B.I. Agent had her sign papers. She was in no condition—if the doctor had been there he would not have permitted

them to talk to her— [224] to arrest her and that was all. I can prove it by the doctor.

The Court: That would just open an avenue of investigation—we would never get through with this.

Mr. Monagle: It is important to the defendant, may it please the Court.

The Court: I can't anticipate these things.

Mr. Monagle: I realize that.

The Court: I am not passing in advance until I know what they are going to develop.

Mr. Robertson: We understood the Court consistently ruled that we can't show anything about illness. That is why we make the offer of proof. Mike (Mr. Monagle) asked her several times and invariably the Court ruled it out. We make the offer of proof to protect our record.

The Court: I don't think that has anything to do with it, unless she was incompetent and didn't know what was going on.

Mr. Robertson: That is why we make the offer of proof. The Court ruled it out.

Mr. Jernberg: What is the offer of proof for? When Mr. Mansfield was there?

Mr. Monagle: Definitely and when Margie Miller was there.

The Court: Are you claiming it was an illegal search?

Mr. Robertson: Yes.

The Court: As to her physical condition—she talked to the contractor about building her house

and she was certainly able to look after any other matters. She even had him make plans.

Mr. Monagle: Well, I could go into that. [225]

The Court: It was right at the time we are talking about.

Mr. Monagle: I could go into that more fully, but the Court wouldn't let me.

The Court: You have gone into it more fully already.

Mr. Robertson: We take exception to the Court's ruling.

(Respective attorneys and Court Reporter left the Bench and were again within hearing of Jury.)

XV.

The Court erred in refusing to admit the evidence of the defendant Maude Anderson as set forth in her offer of proof, namely:

Mr. Monagle: We offer to prove by this witness on the stand and by other witnesses that Margie Miller came back to Sitka, intending to start her own place of prostitution in a building leased from Maude Anderson, in January, 1942, and had transported Gloria Bowman to Sitka with the intent of having said Gloria Bowman work in said Margie Miller's house of prostitution, and that when Margie Miller returned to Sitka from Seattle in January, 1942, she was quite angry because a building was not ready so she could start her own house of prostitution, and stated in the presence of Lou Dixon Northrup and Irene Holmquist that she would get even

with Maude Anderson if it took her the rest of her life.

XVI.

The Court erred in refusing to continue the trial over until the arrival of defendant's witnesses Lou Dixon Northrup and Irene Holmquist and in denying defendant's motion, namely: [226]

Mr. Monagle: We have two witnesses who are subpoenaed to be here, and we have arranged for their transportation by airplane. It has been impossible to get them here. The case was set for trial next Wednesday, and it is no fault of the defendant they weren't here or subpoenaed at an earlier date. We offered to charter a plane, but it hasn't been physically possible to get them here. The airplane company advised me that they would get them here this afternoon if it is possible to get to Sitka and Lena Bay.

Mr. Jernberg: Mr. Rands was here. We object to a continuance. These witnesses reside at Sitka too.

The Court: I don't understand your asking for a continuance.

Mr. Monagle: We are asking for the right to put on our rebuttal testimony.

Mr. Jernberg: Are you resting at this time?

Mr. Monagle: No. We have two witnesses. Both of the District Attorneys know why Mr. Rands was here. * * * It wasn't our purpose, and isn't our purpose to delay this trial, but the Court knows there was a case went by the board—the defendant

plead guilty—which it was anticipated would be on trial at this present moment. Naturally we didn't subpoena our witnesses who we expected to get. The Government subpoenaed Mr. Rands for the 3rd of April. He was subpoenaed as their witness. He was found favorable to us and unfavorable to them, so I subpoenaed him.

The Court: What about the other witnesses?

Mr. Monagle: The subpoenas are issued and served. [227]

The Court: Have they been subpoenaed?

Mr. Monagle: Yes.

The Court: When?

Mr. Monagle: Day before yesterday. They answered by wire that they would be here as soon as physically possible. They were subpoenaed as soon as we knew this case was on trial. The subpoenas were sent by wire. It was the only physically possible thing we could do. If we had known, we could have got them over here Monday, but no planes flew over here yesterday whatever. I have checked with the airplane company—last night late and also this morning—they thought about two or three they might get over this afternoon.

The Court: I am not going to delay the case on that account. You are supposed to be ready any time the case is called. That is a rule of court.

Mr. Monagle: The calendar was only just set. The other case was set first. We didn't know—the defendant can't afford to bring witnesses weeks ahead like the Government.

The Court: It is just as much to the interest of the defendant to get her witnesses here as the Government.

Mr. Monagle: I don't mind a week ahead. We anticipated that.

The Court: We are not going to wait on them. In any event, if they get here today, or in the progress of the case, we will hear them, but otherwise we are not going to delay the case on that account. Has the Government any rebuttal?

Mr. Jernberg: No, your Honor. The defendant hasn't rested. [228]

Mr. Robertson: The defendant hasn't rested, and we don't intend to rest until they get here. If the Court says we have to, we will make an offer of proof what the witnesses will testify.

Mr. Jernberg: I didn't mean to be repetitious and annoy Mr. Robertson, but the Court asked me if I had any rebuttal, and we don't have to put on any rebuttal until the defense rests, as I understand my procedure, Mr. Robertson.

The Court: There is nothing in the file to indicate that any witnesses have been subpoenaed by the defendant, other than the witness Rands.

The Clerk: There is in the office. It was just returned this morning.

The Court: Well, bring it in.

Mr. Monagle: May it please the Court, we will file with the Court a wire from one of the witnesses to the effect that they will be here as soon as physically possible.

Mr. Robertson: They tried to get an airplane

out yesterday, but because of this Taku wind they couldn't get out. We are not trying to delay the Court. * * *

Mr. Monagle: Both witnesses are subpoenaed.
* * *

Mr. Robertson: The subpoenas were wired to Sitka for the deputy to make service. I wouldn't think they had been returned. As a matter of fact, I think the Sitka deputy would make the return.

The Court: The Clerk ought to have some record of it, if any subpoena was issued. Subpoenas are issued by the Clerk. They certainly would have a record in the Clerk's Office. [229]

The Clerk: They were issued, your Honor, for Sitka, but there hasn't been a return on them.

The Court: Look into it. In the meantime Court will stand adjourned until 2:00 o'clock.

(Whereupon Court recessed until 2:00 o'clock P. M. April 6, 1945, reconvening as per recess, with all parties present as heretofore and the Jury in the box; whereupon the following took place:)

The Court: You may proceed.

Mr. Monagle: May it please the Court, the two witnesses I informed the Court about prior to adjournment at noon have not arrived. I checked with the airplane company a few minutes ago.

The Court: Well, we will have to proceed.

Mr. Monagle: In that case I would like to make an offer of what the two absent witnesses would testify to. * * * May it please the Court, we move

at this time that the case be continued until the arrival of Lou Dixon Northrup and Irene Holmquist from Sitka. These two witnesses were subpoenaed as soon as the defense knew that the case would be on for trial—that is day before yesterday—and they would have been here if it was possible for an airplane to get to Sitka and bring them here. They were prevented, the plane was prevented from going for and bringing them because of the Taku wind that was blowing yesterday and today. There is no other means of transportation that would get them here in less than sixteen hours, except an airplane. It is physically impossible for them to get here. It has been physically impossible for them to get here by any means of transportation since they were subpoenaed. [230] This case was originally set for next Wednesday for trial and was moved up because in another case the defendant plead guilty and the case did not go to trial. The witnesses could have arrived here on a regular steamer, on the Northland, bringing them back to Juneau Monday. They would have arrived here not later than next Monday night, which would have been twenty-four hours,—

The Court: You mean last Monday?

Mr. Monagle: No. The Northland went yesterday to Sitka. Had the case come up on the date regularly set for it, they would have been here by Monday and the witnesses would have been here.

XVII.

The Court erred in refusing to admit in evidence

the evidence of defendant's witnesses Lou Dixon Northrup and Irene Holmquist as set forth in defendant's offer of proof, namely:

Mr. Monagle: We offer to prove by these two witnesses that Margie Miller informed them that she intended to set up her own private house of prostitution and obtain girls to work therein, and that Maude Anderson was going to do some work on and enlarge a building so that Margie Miller could use it for a house of prostitution; and we offer to prove by these two witnesses the further fact that, when Margie Miller returned to Sitka, Alaska, from the States some time during the month of January, 1942, she stated, in substance, to each of these witnesses that she would get even with Maude Anderson for not building this house of prostitution for her in accordance with their agreement if it took her the rest of her life. I [231] might inform the Court that the witness Irene Holmquist is a reputable housewife and has never been a prostitute or connected with prostitution in any way, to the best of our knowledge, and, I believe, has no criminal record of any kind. The witness Lou Dixon Northrup has been a prostitute and was present in the Lake View Cottage in Sitka, Alaska, in November, 1941, when Margie Miller was working there and when Margie Miller was managing the operations of said house of prostitution; that in the meantime Lou Dixon Northrup discontinued the practice of prostitution and, to the best of our knowledge, has not been practicing prostitution for a period of many months, and re-

cently owned her own small mercantile store in Sitka, which she personally operated, and at present and for sometime last past has been employed as a laborer in the saw mill of the Columbia Lumber Company in Sitka, Alaska, and is and has been for many months living a reputable life. I would like also to add that the fees of the two witnesses have been advanced and arrangements have been made to pay their airplane fare and any delays and the cost of the charter trip on the airplane, and the only thing preventing the witnesses from being here is the inclement weather.

XVIII.

The Court erred in denying defendant's motion to instruct the jury to return a verdict of not guilty, namely:

Mr. Robertson: We have nothing further. We move the Court to instruct the Jury to return a verdict of not guilty against the defendant on the grounds that the [232] Government entirely failed to make out a case. I rest this on—I am willing to rest this motion on this single point, your Honor—the indictment charges that on the 25th day of November, 1941, at Sitka, Alaska, and within the jurisdiction of this Court, defendant “did, wilfully, unlawfully, feloniously and knowingly transport and cause to be transported and aid and assist in obtaining transportation for and in transporting, in interstate commerce, a woman for the purpose of prostitution and for immoral purposes, to wit: Gloria Virginia Knapp Bowman, alias Jean La

Rue, from Seattle, in the State of Washington, to Sitka, in the Territory of Alaska, contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States and the Territory of Alaska." I make my point entirely upon the fact—"transport and cause to be transported and aid and assist in obtaining transportation." I submit to your Honor for one to transport another or cause to be transported for immoral purposes, contrary to this statute, that either the defendant must personally transport or must do some actual thing that causes the other to be transported, and that to aid and assist, aid means to help, assist means to help, and that, so far as I have been able to find, there are no decisions on that particular point, but I submit in this case that there isn't a single iota of evidence that this defendant transported this girl Jean La Rue, that she caused her to be transported, supplied any means that caused her to be transported, or that she aided, that is that she supplied any means which helped to transport that girl from [233] Seattle to Sitka. I submit, your Honor, even at this time for the purpose of this motion, assuming the woman Margie Miller's story is correct that the defendant promised and agreed that she would repay her for such money as she expended in transporting that girl from Seattle to Sitka, that as a matter of fact a promise and agreement is not either transportation or aid in transportation, unless the promise or agreement is complied with by the accused having actually furnished or

paid part of the means by which she was transported.

The Court: I don't agree.

Mr. Robertson: I don't suppose you would.

The Court: I mean the point you just mentioned, and that she had actually to pay it.

Mr. Robertson: I don't say she actually had to pay the money, but she has to actually supply or help to supply the means by which she is transported, and there isn't a single bit of evidence in this case other than the promise—Margie Miller's statement that she promised and agreed that she was going to. There is no evidence which warrants this case going to the Jury, that she ever did promise and agree, and there is no outside evidence to corroborate her either as an accomplice or an agent. The only evidence I can see is this girl Jackie Lugo who ran in the room for two minutes and heard them talking about a code. There is no other independent evidence. Certainly a telegram by one person to another—that telegram is the alleged agent's verbiage, not the defendant's verbiage at all. There is no evidence at all to take this case to the Jury against this woman at this time. [234]

XIX.

The Court erred in giving its Instruction No. 5, namely:

No. 5

In the prosecution of this case the Government relies to some extent upon the testimony of Mar-

guerite Miller. Marguerite Miller is admittedly an accomplice in the crime charged against the defendant.

“Accomplices” are defined as all persons who participate in an offense as principals, and “principals” as all persons acting together in the commission of an offense.

Our statute provides:

“Section 5044, Compiled Laws of Alaska, 1933.—Principals, Who Deemed Such. All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the crime or aid and abet in its commission, though not present, are principals, and to be tried and punished as such.”

You are, therefore, instructed that, if you believe from all the evidence in this case beyond a reasonable doubt that the defendant Maude Anderson was concerned in the commission of the crime charged or aided or abetted in its commission, though not present, and whether she directly committed the act constituting the crime or merely aided or abetted in its commission, though not present, you may find her guilty as a principal.

To which defendant then and there and prior to the retirement of the jury objected, namely:

Mr. Robertson: The defendant takes exception to Court's Instruction No. 5, page 6, and calls the Court's attention to the fact that the language, in the defendant's opinion, puts a burden upon the

defendant as though it was admitted in the case that she is an accomplice, [235] whereas the only admission, by our view, is the admission of Margie Miller that she is an accomplice. I submit the burden is upon the Government to prove that the defendant is an accomplice of Margie Miller.

XX.

The Court erred in giving its Instruction No. 6, namely:

No. 6

You are instructed that our law also provides: Section 5352, Compiled Laws of Alaska, 1933.

“Sec. 5352. Testimony of Accomplice Must Be Corroborated. A conviction can not be had upon the testimony of an accomplice unless he be corroborated by such other evidence as tends to connect the defendant with the commission of the crime, and the corroboration is not sufficient if it merely show the commission of the crime or the circumstances of the commission.”

In this connection I instruct you that the witness Marguerite Miller is what is known in law as an accomplice, and I further instruct you that the corroboration required by the statute is corroboration of the accomplice's testimony to the effect that the defendant Maude Anderson did actually commit the act constituting the crime charged, or aided or abetted in its commission. It is not necessary, however, that the defendant be present at the time the arrangements were perfected pursuant

to which Jean La Rue came to Sitka, if you believe such arrangements were made, or that the defendant paid her transportation or any part thereof. It is sufficient if she agreed with or directed the witness Marguerite Miller that she, the said Marguerite Miller, should procure a girl or girls for her to be transported in interstate commerce for the purpose of prostitution or other immoral purposes, or agreed to pay such girl's transportation or other expenses in connection therewith, and that pursuant to such agreement or directions that the witness Marguerite Miller procured the girl Jean La Rue to [236] come from Seattle, Washington, to Sitka, Alaska, for the defendant, for the purpose of prostitution or other immoral purposes and that defendant agreed to reimburse or pay the witness Marguerite Miller for said girl's transportation or expenses or any part thereof. (Page 7.)

I further instruct you that in considering the guilt or innocence of the defendant you may take into consideration all of the facts and circumstances tending to connect the defendant with the commission of the crime charged, as well as that above mentioned, and if, after a full and fair consideration thereof, you find beyond a reasonable doubt that the defendant did commit the crime charged or aided or abetted or assisted in its commission, at the time and in any of the ways or manners charged in the indictment, then you will find the defendant guilty as charged. If you do not so find, you will find the defendant not guilty. (Page 8.)

To which defendant then and there and prior to the retirement of the jury objected, namely:

Mr. Robertson: We also take exception to the Court's Instruction No. 6. In that connection I call attention to Defendant's Requested Instruction 5 and 6 and the Requested Instruction I handed the Court yesterday. We feel in that that the Court's instruction does not bring out the fact that the statute requires that the corroborated evidence of an accomplice must go further than simply tending to connect the defendant with the commission of a crime. It isn't sufficient if it merely shows the commission of the crime or the circumstances of the [237] commission of the crime, and it seems to us that the Court's language, particularly in lines 8 to 15 on page 7 of Instruction No. 6, does not thoroughly bring out that fact or that statute. We also except to lines 14 to 32 on page 7 of Instruction No. 6, because we contend that is contrary to the law, that the defendant must have actually done something other than making an agreement or a promise, that she must have either actually caused the transportation or supplied means to aid or help in the transportation, as we tried to set forth in the Requested Instruction 1 we filed with the Court yesterday.

XXI.

The Court erred in refusing to give Defendant's Requested Instruction, namely:

Defendant's Requested Instruction No. —

You are instructed in this case, before you can

find the defendant guilty, you must find beyond a reasonable doubt that the defendant did wilfully, unlawfully, feloniously and knowingly transport and cause to be transported and aid and assist in obtaining transportation for and in transporting, in interstate commerce, the witness Gloria Virginia Knapp Bowman alias Jean LaRue from Seattle to Sitka.

And unless you find that the defendant did so transport, cause to be transported, or aid and assist in obtaining transportation for such witness Bowman you must find the defendant not guilty. And you are instructed that to transport or cause to be transported means that the defendant either herself transported or else furnished the means to transport, and that to aid or assist in obtaining transportation means to furnish means [238] which either did or helped to transport such witness Bowman from Seattle to Sitka, and that a promise or agreement by defendant to furnish the means of such transportation, if she did not actually furnish such or any of such means of transportation, does not constitute the defendant guilty of the crime with which she is charged.

XXII.

The Court erred in refusing to give Defendant's Requested Instruction No. 5, namely:

Instruction No. 5

You are instructed that acts or declarations, which were done or made by the witness Margerie Miller and which were claimed to be done or made

by her on behalf of the defendant, in any wise connected with the alleged commission of the crime charged in the indictment herein are not to be considered by you in your deliberations unless you find beyond a reasonable doubt from evidence, other than the testimony of said witness Miller, that said witness Miller was the agent of the defendant in doing said acts or making said declarations.

In other words the witness Miller cannot by her own acts or declarations establish herself to have been the agent of the defendant in the alleged commission of said crime because the relation of agency, if any, between the witness Miller and the defendant must be established by affirmative evidence other than the acts, statements or declarations of the witness Miller.

You are therefore instructed that regardless of what acts or declarations the witness Miller admitted she did or made in the commission of said crime, you should not find that she did or made any of them as agent of the defendant unless you first [239] find beyond a reasonable doubt from other evidence than said witness Miller's testimony, as hereinabove instructed, that said witness Miller then and there was the agent of the defendant.

XXIII.

The Court erred in refusing to give Defendant's Requested Instruction No. 6, namely:

Instruction No. 6

The laws of Alaska provide that the testimony

of an accomplice ought to be viewed with distrust and that a conviction cannot be had upon the testimony of an accomplice unless he be corroborated by such other evidence as tends to connect the defendant with the commission of the crime, and the corroboration is not sufficient if it merely shows the commission of the crime or the circumstances of the commission.

You are therefore instructed that you cannot find the defendant guilty of the crime charged in the indictment herein upon the testimony of the witness Miller alone or upon her testimony and other corroborative evidence which tends, if you so find, to connect the defendant with the commission of said crime but which corroborative evidence merely shows, if you so find, the commission of said alleged crime or the circumstances thereof.

You are further instructed that you must find the defendant not guilty unless you find beyond a reasonable doubt that the witness Miller's testimony, if you find therefrom beyond a reasonable doubt that she and the defendant were accomplices in the commission of the crime charged in the indictment, was corroborated by other evidence and that such other corroborative evidence not only tended to connect the defendant with the commission of the crime charged in the indictment herein but also was [240] of such nature that you find beyond a reasonable doubt that it more than merely shows the commission of said crime or the circumstances thereof.

XXIV.

The Court erred in receiving and filing herein the jury's verdict finding defendant guilty.

XXV.

The Court erred in denying defendant's motion for acquittal, namely:

Defendant's Motion for Acquittal

Comes now the defendant and moves that judgment for her acquittal be made and entered herein and renews her certain motion, which she respectfully submits was in substance a motion for acquittal, which she made in open court at the conclusion of the evidence at the trial of the above cause and in which motion she moved that the court direct the jury to return a verdict herein that she was not guilty.

This motion is based upon the records and files herein and within five days after the jury in the above case was discharged and returned its certain verdict herein finding her guilty, which verdict was filed herein on April 9, 1945, and which verdict is contrary to both the law and the evidence.

XXVI.

The Court erred in denying defendant's motion for judgment notwithstanding the verdict, namely:

Motion for Judgment Notwithstanding the Verdict

Comes now the defendant and respectfully moves that, notwithstanding the verdict of the jury heretofore filed herein [241] on April 9, 1945, Judgment be entered herein discharging the defendant,

upon the ground that said verdict was contrary to both the law and the evidence adduced at said trial.

XXVII.

The Court erred in denying defendant's motion for a new trial, namely:

MOTION FOR A NEW TRIAL

Comes now defendant and respectfully moves that she be granted a new trial upon the following grounds, to-wit:

1. Irregularities occurring at said trial and the exercise of abusive discretion by the trial Judge, by which this defendant was prevented from having a fair trial, in that: the Court at the trial refused to grant the defendant time for the arrival of Lou Dixon and Irene Holmquist, who were material witnesses to her defense and who would have impeached the witness Marjorie Miller and shown that the latter had told said Dixon and Holmquist that she, Miller, was aggrieved at defendant and intended to get even with her even though it took all the rest of her, Miller's, life, notwithstanding that subpoenas had been issued for said Dixon and Holmquist and defendant in good faith had arranged to bring them to Juneau to testify at the trial in her defense by airplane, which was the only available means of transportation but which airplane could not go from Juneau to the places where said Dixon and Holmquist were and return them to Juneau because a strong storm, known locally as a

Taku wind, prevailed in Juneau and also in that area of Southeastern Alaska through which said airplane had to travel in order to pick up said witnesses and bring them to Juneau, which said storm prevailed throughout April 5th and 6th, 1945, on which days [242] defendant's trial in this cause was being held in Juneau, and which storm prevented airplanes flying on said days, and that defendant had no means of anticipating that such storm would arise and that she would be unable to obtain the attendance of said Dixon and Holmquist; all of which more fully and clearly appears in the stenographic notes of the official court stenographer, taken at said trial, which by reference thereto are hereby made a part hereof.

2. For numerous errors committed by the trial Judge in said trial, to which exception was taken by the defendant at said trial, and all of which appear in the stenographic notes of said official court stenographer, which notes by reference are hereby made a part hereof, and particularly in admitting evidence, over defendant's objection, adduced by the witnesses Miller, Bowman, Kavander and Mansfield, and in admitting in evidence, over defendant's objections, plaintiff's Exhibits Nos. 1 and 2, and in refusing to receive though duly offered, certain evidence, as appears in said stenographic notes, from defendant and from the witness Rands.

3. Error committed by the Court, to which exception was duly taken, in giving to the jury his

instructions 5 and 6, and not giving in substance and effect that certain written requested instruction filed with and presented to the Court on April 6, 1945, or defendant's certain two requested instructions Nos. 5 and 6.

4. That the evidence adduced at said trial was insufficient to justify that certain verdict finding the defendant guilty, which verdict was filed herein on April 9, 1945, and that it is against the law, and that said verdict is contrary to the weight of evidence and is not supported by substantial evidence.

5. The court erred in denying defendant's motion, which was in substance and effect a motion for acquittal, made by her at the conclusion of the evidence, in which she moved that the Court direct the jury to return a verdict finding her not guilty.

6. That defendant was substantially prejudiced and denied a fair trial by reason of the following circumstances: The attorney for the government, in his final argument before the jury, over defendant's objections, stated what purported to be the law governing violations of the statute of which by the indictment herein the defendant was accused of having violated.

XXVIII.

The Court erred in making and entering its judgment herein whereby defendant was sentenced to be imprisoned for three years and to pay a fine of \$2500.00 and to stand committed until said judgment was served and paid, which judgment was entered herein May 4, 1945.

Wherefore defendant prays that the Judgment above referred to may be reversed.

HOWARD D. STABLER

M. E. MONAGLE

R. E. ROBERTSON

Attorneys for Defendant.

Copy received August 4th, 1945.

R. L. TOLLEFSEN

Ass't. United States Attorney,
Attorney for Plaintiff. [244]

In the District Court for the Territory of Alaska,
Division Number One, at Juneau

MINUTE ORDER MADE ON AUGUST 4, 1945

Entered Journal #17, Page 88

[Title of Cause.]

At this time there was presented to the Court by M. E. Monagle and H. D. Stabler of attorneys for defendant, Bill of Exceptions and Assignment of Errors. This matter came before the Court for settlement of the Bill of Exceptions. M. E. Monagle and H. D. Stabler of attorneys for defendant were present in behalf of defendant and R. L. Tollefsen, Assistant United States Attorney, was present for the Government. Thereupon the Bill of Exceptions and Assignment of Errors was presented to the Court who ordered them filed. Thereupon Mr. Tollefsen asked for time in which to examine the Bill of Exceptions they having been served on him

yesterday at 4 p.m. and he was given until 10 a.m. August 18, 1945, at which time the Bill of Exceptions would be taken up for settlement.

MINUTE ORDER MADE ON AUGUST 25, 1945

Entered Journal #17, Page 97

[Title of Cause.]

At this time this matter came before the Court for settlement of the Bill of Exceptions herein. Messrs. Monagle and Stabler appeared in behalf of defendant-appellant and R. L. Tollefsen, Acting U. S. Attorney, appeared in behalf of plaintiff-respondent. Thereupon defendant agreed in open court to amend Bill of Exceptions in compliance with Plaintiff's Motion to Amend proposed Bill of Exceptions and it was so ordered by the Court. And the Court further ordered that the Clerk insert the pages submitted, in compliance with plaintiff's motion and make the interlineations agreed upon and submit the Bill of Exceptions as amended to the Court for approval on or before Saturday, September 1st at 2 p.m. The following [245] are the corrections ordered made, on page 122, line 3 the word "paid" was changed to "pain", on page 136, line 3, the word "reframe" was changed to "refrain," on page 162, line 20, after the word "regular" there was added the words "and legal" by interlineation. Thereafter plaintiff's Motion to Complete the record was taken up and defendants agreeing thereto, the Court allowed the same, and signed an order thereon. [246]

[Title of District Court and Cause.]

ORDER EXTENDING TIME TO PRESENT
AND SETTLE BILL OF EXCEPTIONS

Now on this day on oral motion of defendant made in open Court and the Court being fully advised in the premises,

It is hereby ordered that the time within which to present, settle and allow the bill of exceptions is hereby extended to and including noon of August 25, 1945.

Done in open Court this 17th day of August, 1945.

GEO. F. ALEXANDER

District Judge.

O.K.

R. L. TOLLEFSEN

Asst. U. S. Attorney,
Attorney for Plaintiff.

R. E. ROBERTSON

Attorney for Defendant.

[Endorsed]: Filed August 17, 1945.

Entered Court Journal No. 17, Page 94. [247]

[Title of District Court and Cause.]

AMENDED PRAECIPE FOR TRANSCRIPT
OF RECORD

To the Clerk of the District Court, Juneau, Alaska:

Please prepare a transcript of record in the above entitled case, including therein the following papers, to-wit:

1. Indictment.
2. Arraignment of March 26, 1945 (Journal minutes).
3. Plea of not guilty to Indictment, March 26, 1945 (Journal minutes).
4. Verdict.
5. Motion for acquittal.
6. Motion for judgment notwithstanding the verdict.
7. Motion for new trial.
8. Order overruling motions for acquittal, for judgment notwithstanding the verdict, and for new trial, May 2, 1945 (Journal 17, p. 4).
9. Judgment and Commitment.
10. Notice of Appeal.
11. Clerk's Statement of Docket Entries.
12. Order admitting Defendant to Bail.
13. Minute order entered Journal 17, page 27.
14. Order allowing Defendant 90 days in which to file Transcript of Record, Bill of Exceptions, and Assignments of Error.
15. Cost Bond, Bail Bond, and Supersedeas Bond, and Order Approving.
16. Bill of Exceptions, and Order Allowing.
17. Assignment of Errors. [248]
18. Minute Order entered by Court on August

4, 1945, allowing United States Attorney until 10:00 a.m. on August 18, 1945, to examine Bill of Exceptions (Journal 17, p. 88).

19. Minute Order of the Court made and entered on August 25, 1945, extending the time to settle the Bill of Exceptions to September 1, 1945 (Journal 17, p. 97).

20. Order of August 17, 1945, extending time to Settle Bill of Exceptions.

21. This Amended Praecipe.

Kindly prepare said transcript in accordance with the rules of the United States Circuit Court of Appeals for the Ninth Circuit Court of Appeals and forward it in accordance with those rules, to that Court.

R. E. ROBERTSON

HOWARD D. STABLER

M. E. MONAGLE

Attorneys for Defendant.

Copy received August 28, 1945.

R. L. TOLLEFSEN

Asst. U. S. Attorney,

Attorney for Plaintiff.

[Endorsed]: Filed Aug. 28, 1945. [249]

[Title of District Court and Cause.]

CLERK'S CERTIFICATE

United States of America,

Territory of Alaska,

First Division—ss.

I, John H. Walmer, Clerk of the District Court for the Territory of Alaska, Division Number One, do hereby certify that the foregoing attached two hundred and forty nine (249) pages of typewritten matter, numbered from 1 to 249, inclusive, constitutes a full, true and complete copy, and the whole thereof, of the record prepared in accordance with the praecipe of the Appellant on file herein and made a part hereof, in cause No. 1416-KB, wherein Maude Anderson is Defendant-Appellant and the United States of America is Plaintiff-Appellee, as the same appears of record and on file in my office; that said record is by virtue of an appeal in this cause and the return thereof in accordance therewith.

And I do further certify that this transcript was prepared by me in my office, and that the cost of preparation, examination and certification, amounting to One Hundred One and 45/100 (\$101.45) Dollars has been paid to me by Counsel for Appellant.

In Witness Whereof, I have hereunto set my

hand and the seal of the above-entitled Court this
12th day of October, 1945.

[Seal]

JOHN H. WALMER,

Clerk.

By: J. W. LEIVERS

Deputy.

[Endorsed]: No. 11092. United States Circuit
Court of Appeals for the Ninth Circuit. Maude
Anderson, Appellant, vs. United States of America,
Appellee. Transcript of Record. Upon Appeal
from the District Court for the Territory of Alaska,
Division Number One.

Filed October 23, 1945.

PAUL P. O'BRIEN

Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

In the United States Circuit Court of Appeals
for the Ninth Circuit at San Francisco

No. 11092

MAUDE ANDERSON,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

STATEMENT OF POINTS AND REQUEST
TO PRINT ENTIRE RECORD

To the Honorable Judges of the United States
Circuit Court of Appeals for the Ninth Circuit:

Comes Now the Appellant, Maude Anderson, and respectfully states that she desires to adopt as her points on her appeal herein all of her assignments of error appearing in the transcript of her appeal record, and requests that the appeal record be printed in its entirety. Dated at Juneau, Alaska, this 3rd day of November, 1945.

Respectfully submitted,

R. E. ROBERTSON

H. D. STABLER

M. E. MONAGLE

Attorneys for Appellant

To R. L. Tollefson, Esquire,
Assistant United States Attorney,
Ketchikan, Alaska.

Sir:

Copy of the foregoing is hereby served upon you by mail, and notice is hereby given you by such copy of the contents of the foregoing documents.

Please acknowledge receipt of copy direct to the Clerk of the above entitled court.

Yours truly,

R. E. ROBERTSON

Counsel for Appellant.

[Endorsed]: Filed November 6, 1945. Paul P. O'Brien, Clerk.

